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The American University in Cairo
School of Global Affairs and Public Policy

“The State of Statelessness: Justice, Violence, Subjectivity, and Urban Asylum Seeking and Refugee Women in Cairo”

A Thesis Submitted to the Cynthia Nelson Institute of Gender and
Women’s Studies in partial fulfillment of the requirements for the degree
of Master Arts in Gender and Women’s Studies in the Middle East and
North Africa

Specialization in Gender and Justice

Mariham Iskander Wahba

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Under the supervision of Dr. Hanan Sabea

July 2010

The American University in Cairo

School of Global Affairs and Public Policy

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and Refugee Women in Cairo”

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and Women's Studies in Middle East/ North Africa

Specialization: Gender and Justice

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Dedication

I dedicate this thesis to all of the asylum seeking/refugee women who informed, advised, participated and assisted me in this journey. The experience was transformative for me and I am grateful to have met all of these amazing women, especially Talake Set, whose pseudonym says it all (Wonder Woman).

I also dedicate this work to all of those struggling to navigate the system and fight for social justice for asylum seekers and refugees in Cairo regardless of how taxing and impossible moving forward and creating change may seem.

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Dr. Martina Rieker has taken on multiple roles with my academic career. As the head of IGWS, Dr. Rieker has provided me with endless support, guidance, and advice. Dr. Rieker fully supported my project from the very beginning and allowed me to perfectly tailor this interdisciplinary program to correlate with my research interests. As my professor, Dr. Rieker has guided me along my path to the conceptualization of core issues. I regret that I did not have the opportunity to be her student more often. I must also thank her for her insight into my thesis, for her role as reader, and her invaluable comments. Dr. Rieker multitasks between running the research center as well as the graduate center among her many other responsibilities, one being pushing the boundaries and conceptualization of gender in the region. Without her and her dedication to Gender and Women's Studies, I would have never been able to have this opportunity and experience. Thank you Dr. Rieker.

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Abstract

American university in Cairo

Mariham Iskander Wahba

“The State of Statelessness: Justice, Violence, Subjectivity, and Urban Asylum Seeking and Refugee Women in Cairo”

Supervised by Dr. Hanan Sabea

Cairo is a complex urban city and this is the landscape upon which various struggles occur. In 1997 UNHCR released their “Comprehensive Policy on Urban Refugees” in response to the increasing numbers of refugees in urban areas. UNHCR acts as the ultimate “space allocator” and examines who “deserves” to access urban space and who is or is not and “urban” refugee. Justice in this case becomes a highly spatialized concept and as a consequence, accessing justice also becomes a spatialized process. For asylum seeking and refugee women in Cairo, justice and access to this commodity is not only spatialized, but also gendered. Conceptions of justice, particularly that which is conceptualized via the medium of human rights, were initially conceptualized as pertaining fundamentally to a male subject. This raises significant concerns regarding the gendered nature of the definition of, distribution of, and access to rights. The space that was created within these structures for women as a consequence of advocacy in the late 80’s and 90’s was a space that signified the importance of physical over structural violence and sexual crimes over crimes of a different nature. A consequence of the political project of creating this space for women’s rights in this particular manner was that women’s voices were silenced if they did not follow the dominant narrative expected and their subjectivities were constructed and manipulated for political means. Women in this context became constituted through law as “vulnerable bodies” and “sexualized victims”. Through various processes such as advocacy, refugee status determination, and service provision, refugee women’s subjectivities are constructed and imposed by UNHCR, the international community, and by refugee advocates. The embodiment of this construction and its institutionalization as well as portrayal comes out in many narratives concerning urban refugee women and sexual and gender based violence in Cairo. The specific categories that UNHCR sets up such as “women at risk” or other fast track procedures, creates a situation whereby sexualized victimhood becomes a commodity. Women must perform this sexual vulnerability in ways that are scripted and stereotyped to be perceived as “credible”. If not, they are deemed as incredible and lose access to services as well as the much sought after title of refugee.

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Introduction:

“Keywords”

Refugee.

Justice.

Violence.

Women.

“Following Williams and others, we assume that the terms that are used to describe social life are also active forces in shaping it. A crucial element of politics, then, is the struggle to define social reality and to interpret people’s inchoate aspirations and needs. Particular words and expressions often become focal in such struggles, functioning as keywords, sites at which the meaning of social experience is negotiated and contested. Keywords typically carry unspoken assumptions and connotations that can powerfully influence the discourses they permeate- in part by constituting a body of doxa, or taken-for-granted commonsense belief that escapes critical scrutiny.” (Fraser and Gordon 1997, 26).

Refugee. Justice. Violence. Women.

All of the above words fall under what Williams calls “keywords” (1985).

Keywords are words that are assumed to have a stable and clear definition; they are well recognized and always dangerously pregnant with meaning. In practice however what constitutes these keywords are fluidity and transformation, flux and chaos. The use of a keyword is to portray, in one word, meaning, and assumingly a culturally shared meaning. One word says it all. Depending on one’s position, the meaning of

these words shifts and mutates in various ways. Depending on the political project these words take on a life of their own, loaded and laden with meaning/significance. Depending on one's own position within a particular political project, own objectives, and personal experiences, meanings continue to be re-worked, re-defined, and re-constituted. "No single group is 'wrong' by any linguistic criterion, though a temporarily dominant group may try to enforce its own use as 'correct'" (Williams 1985, 11) since "... words which seem to me to raise problems will, in the right circles, seem mere transparencies, their correct use a matter of education" (16). This is a critical contributing factor to the power and danger of keywords.

These keywords will appear frequently in the text that follows and they are generally words that trouble me. It is the sense in which they are taken for granted as well as the monopolizing of ownership of definition by particular individuals and forces. I share Williams' sentiment when he states, "Every word which I have included has at some time, in the course of some argument, virtually forced itself on my attention because the problems of its meanings seemed to me inextricably bound up with the problems it was being used to discuss" (Williams 1985, 15). What follows is an exercise in "historical semantics" as Williams refers to it. Historical semantics is an examination of these keywords by looking at their historical origins and developments, as well as present meanings, implications, and relationships as history. Conceptions of what these keywords mean and the ways in which they have been modified and continue to be transformed and re-shaped are issues I address before beginning the journey of looking at their relationships in particular contexts.

"The questions are not only about meaning; in most cases, inevitably, they are about meanings. Some people, when they see a word, think the first thing to do is define it. Dictionaries are produced and, with a show of authority no less confident because it is usually so limited in place and time, what is called a proper meaning is attached." (Williams 1985, 16-17)

A “proper meaning” refers to the hegemonic and dominant meaning, a meaning which is singular and circumscribed. The dictionary as well as international treaties and documents are produced in a specific historical, political, social, economic, and ideological context and no word, especially not a keyword, can emerge from this process unscathed. These definitions do not inherently implicate the debates that surround their formation and their progression within these debates. One must attempt to examine various definitions from multiple sources; this may lead us to understanding a few things about the socialization of these keywords into the everyday. Williams indicates that the definitions of particular keywords implies a particular political project upon the user of these words and states that this is definitely true for himself and his text. The simple act of the selection of particular keywords to examine and the ways in which one does so is indicative of a particular position, in this case, my position.

Keyword # 1: Refugee

Refugee: Noun (Oxford Dictionaries Online, 2010)

- *a person who has been forced to leave their country in order to escape war, persecution, or natural disaster*

Refugee: Noun (Merriam-Webster Online Dictionary. 2010.)

- *One that flees; especially : a person who flees to a foreign country or power to escape danger or persecution*

1951 Convention Relating to the Status of Refugees: *“As a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

1967 Protocol Relating to the Status of Refugees: *“For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words “As a result of events occurring before 1 January 1951 and ...” “and the words”... “a result of such events”, in article 1 A (2) were omitted.”*

1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa:

1. For the purposes of this Convention, the term “refugee” shall mean every person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

2. The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

“Refugee” is a keyword over which debates are incessant and its usage has come to embody an entire group of people, usually leading to a condition where their ability to define their own subjectivity is either suppressed or ignored. One debate that is obvious from the above definitions is that Oxford addresses the issue of environmental disaster whereas Merriam-Webster and the 1951 convention, as well as 1967 protocol, do not. In the context of Cairo, who is and is not a refugee remains ambiguous, both to the general host population and to service providers and other relevant institutions. I attribute this ambiguity to the long Refugee Status Determination (RSD) process which essentially causes all “refugees” to live illegally for extended periods of time, the way in which RSD is conducted in Cairo by UNHCR, gendered issues in RSD and the related problem of assessing credibility, and additionally, the definition of refugee in the 1951 convention being part of a particular political project in which the context of its creation highly influenced its meaning. These conventions became foundational texts in which the definitions and meanings embedded therein have been legitimized and circulated globally with the intention of being agreed upon as a universal definition and set of responsibilities. This globality and universality, as well as the implication of finality of signed conventions led to a certain tension when use and meaning of terms transformed with

the factors of time and space. There is an attempt to retain to the “true” meaning of a “refugee”, most frequently seen to be the 1951 convention definition, even when the nature of conflict and triggers of flight and movement have evolved.

The institutional use of the keyword “refugee” is very much taken for granted and for expediency’s sake, is used while its process of constitution is left un-interrogated. “Refugee” is a package of assumptions and debates that are consumed and used thoughtlessly in speech, and on many occasions, in writing. For me this is a political semantic project and I will use institutional terminology when referring to institutional texts and commentary but for my own purposes, I choose to acknowledge fluidity embedded in the category “refugee”. I will use “asylum seekers and refugees” to encompass asylum seekers who are not yet registered with UNHCR but make claims to justice and services provided by organizations serving asylum seeking and refugee populations, asylum seekers who are registered with UNHCR but have not yet received the decision for their refugee status determination interview, recognized refugees according to the 1951 convention as well as the 1967 protocol, refugees recognized or unrecognized by UNHCR that have a claim to the 1969 OAU convention to which Egypt ratified, as well as those who are labeled closed files who were rejected by UNHCR but still reside in Egypt and try to claim justice and services in the same way as their fellow community members.

Many of the women I speak to and who are of concern to me hold a clear legal status, recognized refugee (1951 or 1969) and on the other hand, a closed file, not seen to be worthy of refugee status. For other women, it is not so clear. There are many unregistered asylum seekers and refugees in Cairo. There are also closed files that are only closed because of the RSD procedure of the time and that would now be recognized (the claim of seeking asylum based on being Pentecostal is one example).

Financial resources and global regimes of injustice dictate too much of who is allocated the highly sought after status of refugee, and in Cairo, these categories are not clear. The host population makes a series of generalizations about this community as a whole and many are not aware of the structures that envelop these categories of power, rendering the kinds of violence perpetrated by the host population and government irrespective of official status.

Of course, as will be clear further on is that many of these women are “not of concern” to UNHCR because of reasons of credibility. In the end, women of all legal statuses are still seeking asylum within the space of Cairo and Egypt, and they actively participate and communicate with various women of differing legal statuses coming from the same country of origin or sharing the same languages, with the host communities in the area in which they reside, and utilize the services of various service providing organizations. These are the women of concern in the current context of this research which is a different understanding of the keyword refugee and indicative of my particular political project.

Keyword #2: Justice

Restorative: *The premise of restorative justice is the idea that one can heal through performative speech acts. The victims and perpetrators engage each other in dialogue and discussion with the aim of forgiveness being the result. Wilson (2001) discusses the attempted healing of the nation via the Truth and Reconciliation Commission in South Africa.*

Retributive: *Punishment is required for retributive justice to be obtained, whether the punishment is decided and enacted by a legal entity or community/popular structures. The perpetrator must be punished in a manner that is seen as proportionate to the kind of crime committed.*

Distributive: *The main goal of this kind of justice is to restore the balance that was interrupted by various forms of injustice and discrimination. An example of this could be quota systems, redistribution of wealth and resources, and the idea of “equal opportunity”.*

Justice as rights: *The system of human rights is a system of justice that is thought to be universal. “Humans” have particular rights and entitlements, contexts or competing ideas of justice vanish in the universality. These “rights” are outlined in the Universal Declaration of Human Rights.*

Another keyword that is problematic in its indiscriminate usage and assumptions is justice, which is ontologically constituted as “good” regardless of the ways in which it may be attained. The right to “justice” is constantly evoked by those who have been victims of violence, but on many occasions the verbalization and concretization of needs and entitlements are not clearly delineated. While speaking to my research assistant and interpreter, I asked her about the details of how exactly she would translate this word. She argued that there are two versions of this word, one referring to systems of law and one referring to people being treated fairly and equally. Definitions of what the keyword “justice” constitutes, who it is for, who deserves it, who dispenses it, where it may be accessed and dispensed, and whether or not justice can even be conceptualized in a global or universal terms are all highly contested issues. The abovementioned “kinds” of justice are delineated by core principles, but in actuality one’s vision of justice may be an amalgam of many different visions that shift with time and space. One may utilize different visions for different situations; what characterizes justice in most contexts is its fluidity. All currently used approaches to justice on the other hand must be definable and unitary, primarily controlled by the nation state and usually are in the hands of the perpetrators of violence.

For the purposes of my project, while addressing international and global visions, discourses, and practices of justice, I will refer to justice as human rights and international refugee law because they are the predominantly used legal codification while speaking about and advocating for asylum seekers and refugees, who are the

focus of my research and writing. This population utilizes discourses on human rights and refugee law and all of the asylum seekers and refugees I spoke to frame their conceptualization of justice on its precepts and communicate with its vernacular. However in my commentary I will also be addressing the injustice of these systems and how alternative visions of justice are conceptualized by the “subjects” upon whom justice is supposed to be dispensed. Although asylum seeking and refugee women may utilize the paradigm of rights, their narratives show that they have a nuanced understanding of justice. Justice is a keyword but the edges of what it means are always fluid in this text.

Keyword #3: Violence

“Violence is a slippery concept – nonlinear, productive, destructive, and reproductive. It is mimetic... Violence gives birth to itself. So we can rightly speak of chains, spirals, and mirrors of violence – or, as we prefer – a continuum of violence. ‘It’ can be everything and nothing; legitimate or illegitimate; visible or invisible, necessary or useless; senseless and gratuitous or utterly rational and strategic... Rather than sui generis, violence is in the eye of the beholder” (Scheper-Hughes and Bourgois 2004, 1-2).

The “proper definition” of violence refers to emotions as well as actions, but the commonality is the extremity and visibility of violence. Physical violence is the type of violence most frequently described; so many kinds of violence that are not material are rendered invisible. Structural violence, for instance, is less detectable and therefore left on the sidelines. Violence also is composed of identifiable discrete acts, causing identifiable harm. There is an obvious victim and an obvious perpetrator and each have prescribed behaviors and attitudes to fit their roles. Violence is not thought of as a continuum, as linked to various other structures and processes. There is a rigid vision of what a victim of sexual and gender based violence must look like, and in Cairo while delving into the debates about justice, violence, gender, and urban asylum seeking and refugee women, the tension becomes increasingly evident.

When violence is in the eye of the beholder, this means that those who are supposed to be in the service of asylum seekers and refugees in fact exercise a great deal of power and this power is influenced by their perceptions of the proper definition of violence. The intention to do violence is also a key aspect of “violence”. One must intend to hurt, one must intend to violate in a visible and extreme form. Not all violence of course is intentional but regardless, violence leaves its traces. The “persecutor” is not the only agent of violence in the life of these women; the persecutor is just the one that regimes of justice find the most significant. The violence done with the best of intentions in the realms of advocacy, humanitarianism, in law and justice, the kind of violence done in the name of protection, are but a few examples. The violence of exclusion of particular victims of violence as they do not fit the contextual proper definition is an example of what often happens. Much of this violence is seen as a necessity, as a means to an end, the end being increased sense of justice and security for asylum seekers as well as keeping the integrity of the refugee system intact.

If one endeavors to deconstruct the dichotomies of natural/unnatural, intentional/unintentional, victim/perpetrator, and open up these circumscribed spaces while thinking and contemplating “violence”, representation becomes complicated and nuanced. What subjects and objects can be done violence to and who can be called a victim of violence, a perpetrator of violence? What about the act of doing violence in writing or the violence done in the most subtle and least identifiable ways such as shaping one’s subjectivity and suppressing voice? What is the difference between institutional definitions of violence and what people perceive as the violence they face in the everyday? How do others shape our definition and vision, restrict or

bring into light our perceptions of the edges of this word? These are all pertinent issues, and they are also first and foremost sites of contestation and debate. In my analysis, I juxtapose internationally recognized definitions and particular actions that indicate violence with the perceptions and definitions of those whose voices are included in this text with the aim of broadening conceptions of violence.

Keyword #4: Women

“... gender is not a noun, but neither is it a set of free-floating attributes, for we have seen that the substantive effect of gender is performatively produced and compelled by the regulatory practices of gender coherence. Hence, within the inherited discourse of the metaphysics of substance, gender proves to be performative- that is, constituting the identity it is purported to be. In this sense, gender is always a doing, though not a doing by a subject who might be said to preexist the deed.” (Butler 1990, 34)

The essentializing of female, woman, women, male, man, men, and gender is a commonplace practice and one that has been deconstructed by various fields as well as from various interdisciplinary endeavors. Butler is essential in these debates and her description of gender as performative will be essential to my particular political project addressing woman/women as a key word. “Women” in this case do indeed need to “perform” and performing gender is an essential means of accessing justice. This keyword and its constitution are shaped by how “women” enter into the fields of debate and discussion, mostly as victims of sexual violence, and always as an afterthought.

“Women” is not simply the plural of “woman”, women as a group carries quite a different connotation because when addressing women plural, you are dealing with the issue of scale. When women are categorized together, essentialized as having common attributes and desires, having the power to define one’s own subjectivity disappears and as the numbers increase the power to define oneself is relegated to

human rights and the international community. The common relationship between women-and-children is also a very telling concept and its usage in policies and laws, compounding not only all women together, but also, all children are essentialized with them.

The entry of “women” into human rights is a very telling process and reflects the ways in which women are globally constructed. The Declaration of Human Rights does not mention women or gender and along with the 1951 Convention and the 1969 protocol, are all written with male pronouns and without considerations of gender specific claims, processes, or needs. Indeed CEDAW (Convention on the Elimination of Discrimination against women) is the first instance in which “women” come into the picture, as a reminder that the previous universal agreements did not fully incorporate “women”, whoever and whatever they were. CEDAW (1979) appeared 31 years after the declaration of Human Rights, 28 years after the refugee convention, and 10 years after the protocol.

CEDAW Article I: *For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Within the context of CEDAW the “proper meaning” of women was “sex” and no nuanced understanding of gender and the kinds of violence that could target issues related to a performance of gender was existent. Ten years later, within the text of General Recommendation number 12, the issue of “violence against women” arose and was further clarified as an objective of CEDAW as it is a form of discrimination

against “women”. In 1992 the issue went further and began to incorporate “gender” and violence.

General Recommendation No. 19 article 6: *The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.*

Again, even within CEDAW, issues of gender enter as an afterthought, emphasizing how fluid these definitions and constructions can be, regardless of the aim to have a universal agreement. Most keywords fight to transform, but these transformations cause much tension as it corrupts the taken for granted nature of “keywords” in an of itself.

In 1994 an attempt was made to provide an all encompassing definition of violence against women, incorporating two of our keywords. The Declaration on the Elimination of Violence against Women defined violence against women and the definition aimed at defining violence with three key elements; violence within the home, at work, and violence perpetrated by the state. In this case, not only are women reified, but so is the nature of violence.

Article 1: *For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*

Article 2: *Violence against women shall be understood to encompass, but not be limited to, the following: (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the*

general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

All of the above texts have had the aim of incorporating women into the political project of human rights, but having women “become human” comes at a high cost and the process is indeed a violent one.

Keyword Combinations

“... the problem of meaning can never be wholly dissolved into context. It is true that no word ever finally stands on its own, since it is always an element in the social process of language, and its uses depend on complex and (though variably) systematic properties of language itself. Yet it can still be useful to pick out certain words, of an especially problematic kind, and to consider, for the moment, their own internal development and structures. What can really be contributed is not resolution but perhaps, at times, just that extra edge of consciousness” (Williams 1985, 22-24).

A combination of these keywords can be extremely potent and dangerous.

Each combination represents a discourse reflective upon the highly contested discourse that each word individually embodies. Feeling out the edges of these words, even in an abridged form as above, can be useful to alert us to the intricacies of their meaning and deployment. Each of these words has a complex history and development, one that is too vast to be addressed here, but we must begin the task of deconstructing them via historical semantics. The present, past, and future of these keywords are linked. “The vitality of a language includes every kind of extension, variation and transfer, and this is as true of change in our own time (however much we may regret some particular examples) as of changes in the past which can now be given a sacral veneer” (Williams 1985, 21).

Chapter 2: State- Violence- Refugee.

The context of urban Cairo as the location where asylum seekers and refugees seek refuge is a complicated one. The sociopolitical and economic context of a host

country is crucial to any discussion of those residing there. The refugee system can not be seen as separate or working independently of the space within which it is physically located. I outline the context of Cairo and map out services available to asylum seekers and refugees are also explored with the aim of attempting to give more of a understanding to the specificity of context while also drawing upon many shared aspects of urban settings within other host countries.

The issue of space is not only about the Cairo context, the international community and UNHCR control and allocate the spaces in which “refugee” bodies can and should reside. UNHCR aims to control and regulate refugee movements with the same technologies of power that the state utilizes on its citizens and shapes the subjectivity of the refugee on an international level. The 1997 Policy for Urban Refugees shows the ways in which UNHCR takes control of the spaces that refugees are now allowed to inhabit and also do not take into consideration the variations of host contexts. Lack of access to durable solutions, lack of access to housing, inability to access services such as health care, random arrests and detention, a long unassisted wait while living illegally until the refugee status determination interview, lack of access to residency and working permits, being made a scapegoat for many social ills by the host state and international community , lack of ability to access and attain justice, exploitation and discrimination under the banners of xenophobia, racism, ad ignorance, as well as a general inability to access rights and services is what characterizes the modern experience of being a refugee in an urban setting (Jacobsen 2006, Landau 2006, Campbell 2006, Furley, Obi, and Crisp 2002, Parker 2002, Sperl 2001, Obi and Crisp 2000, Obi and Crisp 2001, UNHCR 2006 Safeguarding Asylum). The insecurity faced in urban settings is an obstacle to attaining a sustainable livelihood and creates a general sense of fear and psychosocial distress

which limits the freedom of movement within the city (Grabska 2006, Furley, Obi, and Crisp 2002). In this sense, the Urban Policy puts pressure on urban centers creating tension and friction between states, UNHCR, and refugees. While also examining the context of Cairo as a country of asylum, this chapter describes the ways that this policy puts pressure on urban centers which then contributes to the conflict between the state, UNHCR, and refugees. The aim of the 1997 policy was to discourage dispersal in urban areas, the preferred space being camps because of the ease in which bodies there can be regulated.

Twelve years later, the long awaited 2009 revision of the urban policy sings a very different tune. Is this “change”? Creating policy for people who have moved and continue to move is a complicated task, for the site of the policy must be global in its endeavors. Specifics of the “how” prove detrimental, regardless of the ways in which praxis can desperately depend on them. We are now in an ambivalent situation in which past policies have created injustices for those who moved yet the rhetoric of change is among us. The effects of UNHCR policy, state practice, global systems of in-justice that deal with “refugee” issues, all of these have intersected to create an urban setting in which justice is elusive and violence prevalent.

Chapter 3: Justice-Refugee-State.

What are the relationships between rights, space, and in/justice? Justice and rights have a space and a place within the current world order, whereby the boundaries of the nation-state delineate and shape their definition and distribution. The very premise of human rights as justice is based upon a territorial conception of the state as location of rights, emplacement within its boundaries being the pre-requisite for accessing rights by the citizen subject. The very unit of injustice in one location, namely the state, is supposed to be the space of justice. Movement – and

more specifically crossing nation-state boundaries - then has profound implications for accessing justice. "Refugees" become a group of people, by virtue of movement, whose statelessness makes them citizens of a displaced and global system of injustice. A consequence of moving out of the space where justice is conceptualized is that accessing rights becomes a complicated and nuanced project. When one becomes stateless/a refugee, what happens to the processes of accessing rights? Where does one access them and who is in charge of its distribution. Franke notes that human rights are constructed in such a manner as to be incapable of dealing with displaced persons because of the definition of human as emplaced as well as the structures that accordingly have been built upon this construction; mere reform according to Franke will not suffice (2008). So who is responsible for displaced bodies and their rights? The subjectivity of the refugee becomes constructed at a global level by various processes such as international refugee law, UNHCR, refugee rights advocates, as well as other various institutions and political projects. What role do the international community, UNHCR, advocacy groups and others involved in the refugee regime play in the attainment of in/justice for refugees? Also, when issues of justice are compounded by movement, what is the implication when you add issues of gender into the mix?

Chapter 4: Women-Justice, Refugee Women-Justice.

In what ways did advocacy, international law, refugee law, UNHCR, and the international community affect the ways in which the woman question was injected to already existing systems of rights and justice? Conceptions of justice, particularly as human rights, were initially conceptualized as pertaining fundamentally to a male subject. This raises significant concerns regarding the gendered nature of the definition of, distribution of, and access to rights. The space that was created for

women within these structures as a consequence of advocacy in the late 80's and 90's was a space that signified the importance of physical over structural violence and sexual crimes over crimes of any different nature against women. Following movements for the inclusion of women's issues in these spaces the focus has been on sexual violence in particular. Women must perform a particular kind of sexual vulnerability and embody a particular subjectivity to be deemed victims and this process makes it difficult to script new social possibilities (Franke 2005). Consequently women's voices were silenced if they did not follow the dominant narrative expected and their subjectivities were constructed and manipulated for political means. Women in this context became constituted through law as "vulnerable bodies" and "sexualized victims".

Refugee women are constructed and portrayed in a similar manner but they experience a compounded effect as they are not only women in the face of these various structures, but they are also women-who-moved, women whose rights are undefined in nature because of their movement across state boundaries. Through various processes such as advocacy, refugee status determination, and service provision, refugee women's subjectivities are constructed and imposed by UNHCR, the international community, and by refugee advocates. The embodiment of this construction and its institutionalization as well as portrayal comes out in many narratives concerning urban refugee women and sexual and gender based violence in Cairo.

Chapter 5: Refugee- Violence- Women-Justice.

Cairo is an urban setting where all of the above issues can be made clear and concrete. The issue of the urban is a discourse on its own with its own edges and its own space. The decrease in funds for refugees in urban areas as well as the

construction of refugees in urban areas as undeserving, violent, and illegal, these issues create tensions within the context of the city that has very negative implications. The policies and processes involved in defining particular issues accessing justice in terms of movement and gender, asylum seeking and refugee women pay the price of structures that have been created for their “protection”. The costs of this policy are high and have been at the expense of refugee protection and security as well as the rights of refugee movement all the while without achieving the objective of deterring refugees from moving to urban centers.

Very little resources are allocated for a large population making the access to them difficult and tricky which puts pressure on the establishment of credibility and has implications for the case of sexual and gender based violence (SGBV) in RSD and service provision. The specific categories that UNHCR sets up such as “women at risk” or other fast track procedures, creates a situation whereby sexualized victimhood becomes a commodity. Also for asylum seeking and refugee women in Cairo, which is a location that is outside of the bounds of justice, receiving services is facilitated by performing sexualized victimhood. Women must perform this sexual vulnerability in ways that are scripted and stereotyped to be perceived as “credible”. If not, they are deemed as incredible and lose access to services as well as the much sought after status of “refugee”. UNHCR asks: are they fabricating stories to get refugee status, resettled, or increased access to financial assistance? Through the examination of refugee status determination as well as access to services, how does the issue of credibility get dealt with, in particular SGBV cases? The same concern is pertinent to the provision of services to refugees who are SGBV victims. In what ways and to whom do women have to perform vulnerability and victimhood in a sexualized manner to make claims to justice? In other words, to what extent is being a

victim if SGBV violence a commodity that can be used to get refugee status, resettled, or to receive financial or other services? What are the implications of this becoming a commodity?

Credibility assessment in refugee status determination interviews is a complicated procedure, one that is not stated in details of the 1951 convention, but is considered to be the most important determining factor whether one becomes privy to the highly sought after label of “refugee” (Kagan 2003, Cohen 2001, Noll 2005, Bohmer and Shuman 2008). The situation is complex and multifaceted which make it difficult to describe. In general, the urban refugee policy created a very turbulent and destructive environment for people who have moved to seek refuge and in this chapter I examine the consequences of these conundrums and double edged swords when it comes to the case of sexual and gender based violence.

Change: Conclusion

A revisiting of the predicament and an attempt to begin to see the problem through a different lens is explored in this chapter. The potential of the urban policy released in 2009 is explored as well as a revisiting of the strategies that the main authors utilized in the text to explore the conundrums and paradoxes encountered.

Chapter 1:

“Methods, Methodology, Mess”

“Method is not... a more or less successful set of procedures for reporting on a given reality. Rather it is performative. It helps to produce realities. It does not do so freely and at whim. There is a hinterland of realities, of manifest absences and Othernesses, resonances, and patterns of one kind or another, already being enacted, and it cannot ignore these. At the same time, however, it is also creative. It re-works and re-bundles these and as it does so re-crafts realities and creates new versions of the world. It makes new signals and new resonances, new manifestations and new concealments, and it does so continuously. Enactments and the realities that they produce do not automatically stay in place. Instead they are made, and remade... Method, then, unavoidably produces not only truths and non-truths, realities and non-realities, presences and absences, but also arrangements with political implications.” (Law 2007, 143)

To get at the complex social processes I aimed at examining, I had to use multiple methods. My methodology was thought over time and time again, and my main concern pertained to questions of ethics. Another concern related to my research design, the way in which I conceived of my methodology and the methods I would utilize to address my thesis questions. The two issues are intertwined and the writing of this thesis has been a hard one from its very conception. What follows is an attempt to look at a messy social reality and translating this mess into a text of written words. How can we conceptualize of justice for asylum seekers and refugees? In what ways is justice gendered in its conception and how is access to it also gendered? How is the subjectivity of asylum seeking and refugee women reformulate itself through the influence of global representations and violence, or the resistance to these processes? As a result of supplementing women into regimes of justice, how does this context further violate asylum seekers and refugees and how within the context of Cairo and credibility assessment for cases of SGBV, how do policy, practice, and

making claims to justice interact? Is there a way of conceptualizing another justice or another politics in which this violence can be ameliorated or reformulated to as to encompass the silences it creates?

Reality can be conceived of as Law describes, as “a maelstrom or a tide rip. Imagine that it is filled with currents, eddies, flows, vortices, unpredictable changes, storms, and with moments of lull and calm” (2007, 7). But this social “reality” can never be fully comprehended, translated, or conveyed, and the parts that are caught by our examination are as Law states “distorted into clarity” (2007, 2). There is no set and stable “truth” I found or aim to convey. Rather, I explore the perceptions of the participants and how it shapes their experiences of everyday life. Each interviewee had an agenda that they hoped to achieve while speaking to me, and while these objectives differed, they were equally telling and important. I wanted to know the “official position” of the institutions that provide services, but equally importantly, I wanted to explore how these service providers and UNHCR staff viewed these official positions and what their job and roles in this process meant to them. UNHCR in particular has the power to write the official history of asylum seekers and refugees and to construct their past present and future of refugees. They act as the arbiter on behalf of asylum seekers and refugees and dictate what “truth” is, what “false” is, what is important and which “events” are constituted as worthy of telling, documenting, and recounting. Equally important, UNHCR’s policies and those who implement them, decide where and how refugees should live, and what forms of justice and services they should have access to. They construct what a “real” refugee should look like and then decide who gets to attain that very status. Service providers too share in that power, by extending or withholding services and information, as well as by their very demeanor in the communication process. This is not to say that the

asylum seeking and refugee women are or were passive participants in the process, on the contrary women proved to be very active participants in their relationships with these organizations and in making claims to them.

If methods are to create realities and arrange them in a particular plot that has a significant political message (Law 2007), what would mine look like? This is what I had to ask myself, although it is very hard as a researcher to ask such a precarious question. If there is always a particular form of violence enacted in writing and in representing, in what way could I go forward pursuing my political agenda in the most ethical of ways? I hope the methods I deployed would minimize that violence one has the capability to inflict, while also keeping in mind that writing is a creation, and a “representation and presentation of a story of a story of a story” (Cohen 21, 1994). Although narratives are positioned productions, they do provide an insight into the thoughts and reflect the myriad and conflicting positions of those caught up in the mess of their social reality. The aim of the use of narrative in my project aimed at beginning to combat the silences that envelop the production of narratives and by consequence, the story of what is said to have happened (Trouillot 1995). Going again to a political agenda, narrative has a specific quality to it that I believe facilitates these vices and people entering our moral community, hopefully leading to alternative stories and alternative story endings. So if someone is going to represent and present the story of a story of a story, they should never do so without addressing and incorporating multivocality.

Early Phases of Discovery and Inquiry: 2007-2008

In the beginning phases of this research (Spring 2007), I wanted to examine and map out the context of SGBV against asylum seeking and refugee women in Cairo. I started research with a research partner, Carolyn Bancroft (see appendix A

for our initial set of questions). We mainly interviewed service providing organizations in Cairo as well as a local expert and an Egyptian NGO (for a comprehensive list see appendix B). Formal contact with the community was minimal, as we only spoke to one community based organization, as we were focusing on the side of service provision. We had informal contact and discussions with asylum seekers and refugees, scholars, and service providers. I concurrently began my research on UNHCR and their urban policy and did so by evaluating UNHCR and various other archives and media reports on urban refugee issues as well as doing an in-depth content analysis of the 1997 policy. The main findings in this initial phase pertained to what services were and were not provided for SGBV cases and by whom. In terms of the policy analysis, I focused on the construct of “legitimate urban caseload”, state and UNHCR responsibilities, and examined issues relating to violence and gender.

Through the years of 2007 and 2008, the link between the two disparate research topics became clear. A main theme that came up in the semi structured interviews related to statements about “lying” and “truth” as they emerged in the context of Refugee Status determination (RSD) as well as accessing medical services and financial support. Back then, questions about truth were packaged in the notion of the “burden of proof” and where it was perceived to lay. However, since then, the term credibility and credibility assessment is now widely used indicating a shift in the vernacular of the discourse throughout the years. Whether speaking to UNHCR, medical service providers, psychosocial service providers, or legal advisers, the belief that asylum seekers had been “buying” SGBV stories to get refugee status or monetary assistance was predominate. Additionally, references were constantly made to the difficulty in providing services to the large numbers of asylum seekers and

refugees in urban Cairo on such a limited budget and with such limited resources. It became clear that fast track procedures and categories such as “Women at Risk” which were created to aim at solving the issue of how do identify the “most vulnerable of the vulnerable” were backfiring against those it aimed to protect. Individuals were interrogated, accused of lying, and harassed by UNHCR and service providers on the “truth” of their SGBV narratives. Because of the nature of refugee law, the burden of proof lies on the asylum seeker as most of the time written documents, identification, police reports, etc are frequently unavailable as evidence.

I spent 2 years volunteering at various service providing organizations, talking to academics and informally speaking to those who were or had recently been employed by UNHCR. I had informal discussions lasting up to 5-6 hours with over 40 different women from different countries of origin, different legal status, differing ages, and differing experiences with the system. I attended various short courses taught by internationally known advocates and academics through the Center for Migration and Refugee Studies (formerly known as the Center for Forced Migration and Refugee Studies). It was in one of these courses on the protection of refugee women and girls in 2008 that I met the two most influential people to this research. The first is, Talake Set (pseudonym, superwoman in Amharic), who became a key informant and with whom I had extensive discussions and multiple interviews. I do not use much of the personal information I learned about Talake Set for her security and to make sure she remains anonymous. The second influential woman who has contributed much to this project is, Tsenu, whom I met in a forced migration short course on the protection of refugee women and girls. Tsenu became a friend and after the two years passed and I started to pursue further research Tsenu became my research assistant and interpreter. The many women I have spoken to have all made

me reflect and were all sources of inspiration, but these two women and our friendship has developed over the years into something that goes far beyond what I can express in writing.

Mediate Phase: 2008-2009

Between 2008-2009, I attempted to contact UNHCR, attended various lectures, pursued relevant coursework, and conducted informal conversations with organizations and asylum seeking and refugee women. I had formed many relationships with urban policy advocates, asylum seekers and refugees, which all focused on issues around the injustice of the 1997 urban policy. I started researching this policy in late 2007 and was awaiting the revision of the policy which had been in the making for many years. After doing a thorough content analysis and archival study of the 1997 policy, UNHCR released a new policy in September 2009, 12 years after the release of its predecessor. In terms of my methodology, my methods, and the mess, everything got too messy to handle. The new policy deployed an entirely different rhetoric and tone. I began to look at this new policy in the context of the research findings and interviews I had done. I began to examine the institutional changes within UNHCR and did a content analysis of the new policy to see the justifications for the new approach and how this would affect my research context.

I continued with my interviews and informal discussions with asylum seeking and refugee women who had been victims of sexual and gender based violence. They gave me insight into the processes that had been outlined by the service providers and UNHCR. The two perspectives were disparate, complimenting my understanding of a very complex process. By then I began to realize the connections between urban refugee policy and the approach taken with survivors of sexual and gender based violence in Cairo.

Current Phase: 2009-2010

The interviews, fieldwork, discussions, observations, and policy examination occurred during the span of 2009-2010. I revisited the service providers, organizations, academics, and experts I had previously talked to. I was lucky enough to talk to most of the same individuals that I had spoken to previously (see appendix C for updated questionnaire for service providers used in 2009-2010). I spent many hours volunteering for many of these organizations and kept in close contact with various community based organizations and individuals seeking or having refugee status. Many things of what my informal discussions have produced inform the analysis that follows.

Cairo Context Media Analysis

I decided that I would conduct a media analysis to gain insight to how the asylum seeker is portrayed in the Egyptian media. The media is a crucial source from which sentiments towards asylum seekers and refugees are constructed. How were they represented? What was the terminology used? What relationships and issues became apparent within these articles? Their limited appearances in the media indicated what experiences were being told and what experiences were being silenced. Also, the rhetoric in the media about the relationship between the Egyptian government and UNHCR was insightful for my discussion on responsibility. I traced how the context of UNHCR urban policy shaped media discourses, a common trope being the urban refugee as an “illegitimate” presence and “irregular mover”.

Due to limited time and financial restrictions, this analysis relied on digital media archives and governmental websites. Because of the fact that my reading and writing is weak in Arabic, I had the help of two media research assistants and one translator. The media assistants first compiled a list of relevant articles and

governmental websites and then translated the contents with the help of the additional translator. The goal here was to see what the governmental officials had to say on refugee issues in the country and this was analyzed through an examination of public speeches made as well as mission statements and information provided from the websites of these governmental institutions.

Content Analysis and Discourse Analysis on UNHCR Urban Policy

Prior to the release of the 2009 UNHCR policy on urban areas, there was little literature addressing the policy. Studies have been done on urban areas and “urban refugees” but most of them focused on livelihoods and scarcely mentioned the UNHCR policy, and if they did mainly the title of the policy was referenced. Most of the literature on the 1997 policy was by UNHCR, staffed and housed in the UNHCR archive, and focused on policy evaluations, one of them being in Cairo (Sperl 2001). I used the UNHCR digital archive to gain insight on the productions and discourse produced on urban refugee issues through reports, guidelines, official statements, meetings, press releases, and speeches. I examined texts dating back to the 1970’s. Since I was using a digital archive I had limited access to older materials that were not digitally archived. I did a thorough line by line content analysis of the 1997 policy document, paying attention to the ways in which the urban, legitimate movement, state and UNHCR responsibility, gender, and violence were defined and portrayed. After the release of the 2009 policy, literature on the new policy flourished and debate ensued among advocates and other concerned parties. There were various international events, such as the “High Commissioner's Dialogue on Protection Challenges, 2009” (UNHCR 2009). Reports started to spring up and the digital archive retrospectively published older material that had not been available during the earlier phases of my research.

While examining the 1997 policy I had to use a variety of ways to find information. I followed up with the information on the 2009 policy that was published in the UNHCR digital archive at a pace quicker than could be digested. I attended various lectures and workshop sessions within Cairo where UNHCR representatives and advocate groups spoke about the new policy and related issues. UNHCR representatives spoke on the issue as well as advocates on the process of creating the new policy and its complications. As a result of an inability to access the UNHCR's position beyond the organizational standard response, I turned to doing semi structured, open-ended interviews with advocates and service providers who had been involved in this transnational policy setting agenda (see appendix D). I wanted to know more information about the history, process, and politics of the creation of this new version of urban policy as to gain insight to the institutional transformation it entailed. This would enable me to engage with the history of this policy to understand how the new approach by UNHCR would or could affect my research context and participants.

Primary Qualitative Research: Semi Structured Open Ended Interviews, Observation, Participation, Focus Groups

The aim of this thesis was to examine sexual and gender based violence against refugee women in the context of Cairo. I conducted semi structured open ended in-depth interviews with medical and psychosocial service providers, legal aid advocates, urban policy advocates, former and current UNHCR staff, and asylum seeking and refugee women.

Although observation and participant observation for a more extensive period of time would have been of great utility to this project, there were many constraints that hindered extended observation. Time was an essential constraint. There was not

enough time to participate with every relevant institution as well as community based organizations and individual informants. Also, because of issues of confidentiality it is very limited as to what I would be able to observe among service providers or UNHCR offices. The very private settings in which these exchanges occur such as the medical examination rooms, the refugee status determination interviews, or meetings with the clients of organizations giving legal and psychosocial aid, these settings are supposed to be safe, confidential, private, and comfortable. Ethically, it is very clear why I would not be allowed to attend these very sensitive meetings. If I had been able to participate with organizations in this way, it would have had to be under the premise that my objective is also one of research.

Another reason more extensive observation would be appropriate is that there is very little information available on what actually happens within the walls of most of these institutions of which my informants are a part of. An example of this is that RSD transcripts are not made public as well as RSD decisions, unlike many other contexts, making the assessment of credibility very difficult. The only other way to access this information is through the service providers themselves through the method of in depth interviewing.

Service Providers: Legal, Medical, Psychosocial

General themes needed to be addressed, hence the need for a modicum of structure to the interview. Essentially I wanted to examine what the context from the service provider's perspective. The aim was to gain insight to social processes that are so complex that a lot of space is needed for the informants to open new lines of conversation and for me to probe at different points during the interview. Leaving the questions to have open ended answer left the interviewee to feel free to voice their concerns and experiences. Also, I was interviewing service providers from different

institutions and different backgrounds, and work environments. These disparities between service providers, even if they provide a similar type of service, was obvious from the response and focal point of the interview. Organizations that either had decision making roles or provided monetary assistance mentioned credibility issues far more often than service providing organizations that did not provide monetary assistance.

The interviews were approximately one to two hours long. I recorded most of the interviews with the consent of the interviewees (for consent form see appendix E, for a detailed list of service providing or advocate interviewees see appendix F). This assisted me to utilize verbatim quotes as well as allowed me to solely focus on maintaining an empathetic and attentive demeanor instead of focusing on note taking. The locations of interviews varied from organizations, cafes, restaurants, in the streets of Cairo, at my home as well as other people's homes. I conducted interviews in Arabic and in English; I had a research assistant and interpreter to assist with Amharic (more on issues of translation and interpretation below). The notes or recordings were transcribed and coded under a pseudonym that the interviewee chose.

My aim in interviewing service providers was to gain insight on the activities and approach of the organization, the prevalence of SGBV in their case load, anonymous case study information, services provided in general as well as those specifically for SGBV and under which pre-conditions could one access them, the services not provided and the perceived causes of that, their experience with credibility assessment in terms of client cases as well as their trouble with credibility assessment, obstacles to their work, and a general attitude that they had towards their work.

To examine the theme of credibility and access information on these processes, I had to talk to the three parties involved, the asylum seeker, the legal and psychosocial service providers, and UNHCR. When I first started to do research on this topic, not many interviewees employed the term “credibility”, but used “truth”, “lies”, “false”, and “burden of proof”. The discourse on “credibility” and “credibility assessment” had not become one of mainstream knowledge even though it had been one of mainstream concern. Part of the growing attention to this very nuanced and important part of RSD is due to Michael Kagan who began to write, teach, and train extensively on the issue (see appendix F).

UNHCR

It was very important for this research to have UNHCR’s local office’s voice included. I faced a difficulty in doing so and because of this difficulty, much information I have come across will stay out of my analysis. To interview UNHCR’s staff who are currently working at the office could be dangerous to their job security. Also, statements from UNHCR staff could strain the already tense relationship between UNHCR and the government. Because of the abovementioned reasons, I spoke mainly to former UNHCR staff. This could create concerns regarding selection bias, primarily interviewing those individuals who are no longer employed by UNHCR. On the other hand when interviewing current UNHCR staff in a formal context, the answers were edited and institutionally prescribed. I did have an official interview with current UNHCR staff and what I have included in this writing has been agreed upon by the interviewees. The information that was off the record will stay off the record, regardless how pertinent to the issue at hand the information may be.

Because of the busy schedule that UNHCR staff has, as well as the general difficulty in accessing the organization, scheduling a formal interview took over 6 months. The office grouped various researchers together in one interview to save time and to share information. I met with three representatives and even though I provided the organization with my research questions months in advance, the representatives available were unable to answer most of my questions. I hope in the future to pursue speaking to the organization because without their perspective, the story I am to tell is incomplete.

My questions to UNHCR concerned issues of credibility. There is a serious lack of transparency pertaining to policy and procedure when it comes to this institution pertaining to the discrepancies between policy/guidelines, and practice. There are endless published materials in the UNHCR archive such as guidelines, procedures, handouts, booklets, reports etc. All of the various informants indicated that what the guidelines dictate is loosely related to practice. No organization is able to follow all of the guidelines they set out, especially one such as the UNHCR which has such a large number of published policies and guidelines. The official system, which is what the UNHCR representatives kept referring me to in our formal interview, is not and can not be what actually happens, and there are no mechanisms of accountability that ensure that these guidelines are followed. The interview transcript that influences the decision on the life and future of the asylum seeker is unavailable for examination, even by the asylum seeker and refugee as well as their legal adviser.

Asylum Seeking and Refugee Women

Speaking to these women has been an integral part of my research. The insights, thoughts, reflections, opinions, observations, perceptions, emotions,

feedback, and narratives that these women have shared with me and the friendships I have made, make me feel honored to have had the opportunity to do so. In this dangerous and negative context, the giving of trust is the utmost honor one can receive. This has been the most difficult and tumultuous, but also the most rewarding, part of my research process. My decision was to not focus on a particular nationality and use gender as my unit of analysis. Many studies focus on particular groups and country of origin in their research but I found this to be inappropriate for my project. The only time I will identify the nationality, ethnicity, religion, age, or any other identifying information is when it critically pertains to the feedback given to me by the interviewees. An example of this is that for RSD country of origin information can effect the assessment of credibility and if this is that case, country of origin will be mentioned.

I also did not want to further re-victimize women or construct women's subjectivity as I felt had been happening in the past by advocates, researchers, and service providers so I did not seek out individual narratives of SGBV. I decided to ask general questions, questions in which they would not have to recount personal experiences of violence unless they chose to do so willingly. I have spoken to many women informally but for those I formally interviewed, (see appendix G for the first version of the list of questions asked, appendix H for the edited version used, and appendix I for the final version created). For the women who did choose to share the particulars of individual narratives of SGBV, I had a backup of several mental health professionals willing to work pro bono with them and had enough information on medical, legal, and psychosocial services that I could make referrals and put them in contact with individuals responsible for the service.

Accessing Asylum Seeking and Refugee Women through Networking

I began to try to access asylum seekers and refugees by non traditional methods. The most conventional method is to participate with a service providing organization. I did not want to initially pursue this track because I did not want to associate myself with a particular organization or institution that would restrict my research population and I did not want anyone from the organization to request access to my findings and materials. Also, if I was affiliated with an organization, there would be increased fear that I would not keep confidentiality and share asylum seeking and refugee women's feedback with the institution, putting them at risk. Informants probably would not feel safe enough to communicate honestly and openly about their experiences with the organization and there is always a fear that feedback will somehow get to UNHCR and cause problems for their case. Access to these services are very important to these women so I wanted them to feel safe and secure that I would not share information with service providing organizations or UNHCR. I also did not make the attempt to do much work with Community Based Organizations (CBOS) because this would also create another means of selection bias as some groups are much more established as a community in Cairo such as asylum seekers and refugees whose country of origin is Sudan. Further, some nationalities are not allowed by the state to create CBO's and some also cannot find sources of funding to support their activities. I did not want to leave the groups that were not so well identified, not receiving services, to be left out of my project. I wanted these women, women who may not have this form of social and service support, to be an integral part of my project as well.

I started by approaching Talake Set because I felt her involvement was crucial to this project. Years prior to my starting fieldwork, we had many discussions on the

importance of this topic and how she would love to be involved. Talake Set became my key informant and introduced me to Tsenu who became another integral participant in this research. Tsenu is bilingual, Amharic and English, and has training in interpretation and translation as well as on issues of SGBV. This made Tsenu my first and only choice for a research assistant. The role she played was not only that of an interpreter and translator, I thankfully received her feedback and constructive criticism on all aspects of my research. She in that way too became a key informant. For this reason most of the women I interviewed came from Ethiopia and are, have been, or were seeking asylum in Cairo. Some had refugee status, some were rejected and had closed files or were filing for appeal, but most of the women were still waiting for the results of their status determination.

Gaining access to these women and gaining their trust was a very time consuming, frustrating, and politically and emotionally charged endeavor. Not to mention, an incomplete endeavor until this day. Tsenu and I had expected resistance from women to speak but had relied on various issues that we thought would expedite the process such as the fact that no personal or identifying information would be asked, that the questions were broad and vague and the women would not have to share their own personal narratives, and the fact that Tsenu had many contacts and was sure that if approached sensitively, they would trust us enough to speak to us. We expected resistance but what we found was something much more troubling, what we perceived initially to be apathy. Apathy mostly and resistance occasionally were the two major reactions. Tsenu and I realized that we liked what we perceived as “resistance” more than what we characterized as “apathy”, and in retrospect I think it is because we saw agency in resistance and acceptance and did not see such agency in apathy. Apathy, to us at the time, was a sign that the system we were trying to

criticize and change had done its job and quieted down the many who were not receiving their rights. Tsenu especially was angered and disheartened by this sense of apathy because these were the women of her “community” (women from the same country of origin), the women she wanted to create change for and with. These women were her as far as Tsenu was concerned. Tsenu and I went from a perceived sense of realism, to despair, to a small semblance of satisfaction, and went through the same cycle again and again.

Tsenu was a smart and educated individual, with a bright personality and persistence like I have never seen before, hence her pseudonym which is persistence in Amharic. She came to Cairo in 2007 to seek asylum and until now, 2010, has not received response on her RSD. She was welcomed into a household of an Ethiopian asylum seeking couple that was very positive and accepting. They provided her with information on going to UNHCR and how to access the services that were available. Tsenu in this sense was socialized into the Cairo context and community in a very particular way. She believes in accessing services that can help your situation and being educated on your status and rights. All actions taken and all time spent should be to better your situation as much as you can, to work as hard as possible for as long as possible and to utilize the services that you could be eligible for.

Tsenu was forced, as most women asylum seekers or refugees, into the domestic workforce as the main source of employment. At the time this research started, Tsenu was working 5 days a week at least as a domestic worker, and was taking computer and Arabic classes that she had funded herself. A few months after we started to work together, she took a third job as an interpreter at an organization. Essentially we worked weekends, sometimes nights, from January 2010 onwards. This was difficult, but also made apparent another research obstacle, which is that

most asylum seekers are employed in domestic work and would not have one to two hours to spare during the week. Some domestic workers stay in their house of employment six days and nights a week, with only one day and one night off in which they attend religious services and the many other activities they did not have a chance to do during the week. This created a difficulty in accessing women who would participate with us and later on we realized, led some of these women to the “apathy” that we had observed. Women wanted change but didn’t have the time or energy to create it, as one respondent stated. Women who did participate felt that they would not have the time to fully participate and take this research forward to more practical interventions which made them feel that they had no agency to create change.

Tsenu and I made appointment after appointment, some refused because they did not have time to speak. Some refused based on the principle of talking to a researcher. Others refused under initial false pretenses of not having time, but after probing revealed an entirely different reason. This discovery marked a turning point in my research, a point in which our subjectivities were all bare. After many appointments had been canceled 5 minutes before the meeting time, or people simply did not show up, Tsenu talked to some girls she knew. They were very excited to meet, very excited to talk, and very optimistic for change and transformation and were ready to be the agents of this process. They were also very trusting and wanted to help find more women who would speak with us and wanted to be actively involved in our research process and whatever projects arose out of it. After a few days Tsenu came to make weekend meeting plans and one by one, the group of four women canceled by making excuses that something came up or they don’t have the time. Tsenu was very suspicious and after further probing, she found out that one of their friends had told them not to participate with Tsenu and me, because there was no

point to what we were doing and that what we were doing was detrimental to the “community”. Tsenu and I had a discussion about this situation and decided that we would probe further and I found out that this woman who was against us had some form of community power. I gave this woman the pseudonym of Sally, because she was strong and willful and opinionated, just like one of my closest friends.

Tsenu was very upset at this form of negativity from Sally, and the attributed cause of this negativity oscillated between various versions of resistance and apathy. Tsenu did not see this occurrence as I did, as full of meaning and significance. Tsenu wanted these women to share their perspectives, to make themselves heard, and Sally was a major obstacle to this hoped for outcome. I told Tsenu that we should talk to Sally and see what her reasoning was to this rejection of our research. Through our conversations, I realized that Sally was actually Tsenu’s friend and Tsenu had made many attempts to assist Sally whenever Sally needed help. During their next conversation, Tsenu asked Sally why she had been very negative about the research to the extent of turning the other women away. Sally said, “Tsenu you are such a nice girl. I don’t know how you got yourself involved in this mess. You are wasting your time. You had better leave this job as soon as you can”. Tsenu probed further but could not get any reason she felt was “valid” or “complete”. Sally refused to say why she thought Tsenu was wasting her time. Sally stated, “I have been here a long time Tsenu you have not. When you have been here a little longer, believe me you will understand”. Tsenu was very upset because she knew that the women would not be able to participate because Sally had instructed them not to and if they did participate, Sally would see this move as a direct opposition to her and she would be upset. Tsenu was concerned for her community; she did not want this sense of apathy to cause stagnation. Tsenu stated, “The girls they just listen to their friends and don’t think for

themselves. They are stuck in these ways and don't try to make their life better. They just want to survive and gossip with their friends on their days off. It's like they trust other people more than they trust themselves. This makes me so mad"

The kind of power Sally had arose from her position within the community as a community leader. She was not the community leader of the kind that participates with organizations and facilitates communication between UNHCR, services, and the community. Sally had a particular and vehement hatred of institutions. She saw no utility in them and had no faith at all whatsoever in their abilities or perceived sense of power to create change or provide opportunities. Sally was the kind of community leader that institutions don't know about because she resists their encroachment into her everyday life. This became very evident when I asked Tsenu if Sally used any services and she does not.

What about medical services for example? What happens when she or someone in the community is sick?

Tsenu: What she does is that she gathers money from all around the community and helps the person get private medical care. That is why people listen to her, because she helps them.

What about UNHCR? Does she help the new people in the community access them?

Tsenu: No she does not believe that UNHCR can do anything. She has a blue card and nothing has changed. They have not helped her at all. She says the blue card or yellow card, it's all the same.

For most in this context, research is only of importance if it will provide information on a situation and give a chance for those who feel they have something to say to speak up and be heard or if somehow this research and researcher could possibly influence policy change. If research does not fulfill a task, it is of no importance to the community and of no importance to any of the major players. Research for solely academic purposes is not worthwhile. If Sally did not believe in any of these structures or procedures, why should she see utility in this project? Why should any

of these women see it either? But it is obvious that Sally at one time did access these services because she has a blue card and had implied that she had tried the path Tsenu was going down and saw it as useless, hence her superior knowledge because of “experience”. Tsenu in that way was hurting the community in Sally’s eyes, making them believe in false structures and wasting their time on something that will in no way . Sally believed that time and effort should be used to create alternatives to being catalogued by UNHCR and service providers, making numerous trips to these institutions with no available solution or way to ameliorate the everyday problems her community faced, and constantly being checked up on. Sally said, “It’s much better if they don’t even know about us at all”.

This is the point where subjectivities became clear, the disparities, the relationships, the perspectives, the influences. Tsenu represented a particular kind of person in the community. She was bilingual, educated, took every opportunity to utilize services and to receive further education. Her subjectivity was one that was in alliance with the project of research, advocacy, human rights, refugee law, service provision etc. Her subjectivity went along with ideas of law and justice, and helped her create an image of injustice, its causes, and its solutions. This is in no way to say that Tsenu is not critical of all of these structures, she indeed is. She is critical of the role that UNHCR, the global community, service providers, human rights and their respective institutions, and many others play in the construction of global regimes of injustice and how they attempt to construct subjectivity. The further along we went into the research, this became more evident.

The status of interpreter and translator, which Tsenu had and only one other woman we spoke to had, also has very specific implications. For one, they are multilingual which gives them access to many kinds of opportunities whether

academic, professional, or social. Interpreters have one foot in the community and one foot in the institution. They hold a certain form of power to represent the community, its needs, its difficulties, and its reality, for better or for worse. During interviews when Tsenu was interpreting, the women kept saying, “Tsenu, come on why don’t you speak for us. You know how our life is, how we live. You know better than we do. You tell her, you speak first and then we can join in”. Interpreters have access to information, training, policy changes, every kind of opportunity available, they hear about it first. They gain insight into the service provision process, into the legal process, into RSD, into medical and psychosocial interventions and care. But, in the end, they are still not valued in the same way as other staff and are trained to simply be direct translators from one language to another. They are still seeking asylum or have been rejected or accepted. They have the same social and legal status as others in the community, they are loved and hated and at times envied by the community. They can be seen as exploiting the community for financial and social gain. They still face the same everyday forms of violence, oppression, and difficulty. If they do have increased social support in the workplace, they can be seen within the community as an “outsider” and be missing support in that area. Tsenu had this status and did feel in some ways very connected to her community, very caring of her community, but also very different and isolated from the individuals in the community.

Tsenu’s role and socialization consisted of her being the “helper”. Time spent socializing and not either networking and or facilitating some sort of project was a waste of time. All time had to be “productive” of some sort of mission or accomplishment in the means that she saw productive. Sally was also seen as the helper and for some reason had more influence over the community. Sally also was

similar in that she was very productive but the missions and accomplishments Sally perceived as productive constituted a very different kind of act and process than that of Tsenu. Sally had tried a particular subjectivity on and decided that when she saw no concrete evidence that this perspective was in her best interest or productive, she decided to simply not rely on organizations in the pursuit of justice (Merry 2006). Tsenu had seen feedback and even if she is increasingly critical of the structures that have supported her subjectivity. She believes that participation with organizations will pay off. Sally was so convinced of her anti-institutional perspective, and had the “evidence of experience” to back her up. In this sense, it became apparent that apathy was not the correct description. Sally was actively resisting the institutions, procedures, and structures that she had come to know as exploitive, useless, restricting and controlling. And because of this resistance, more and more obstacles came in the way of our research and of Tsenu’s need to see change in a particular way.

The hatred of the institutionalization of their refugee-ness comes from many different areas. One conundrum within this research is that although I interrogate the necessity for speech as resistance or as expression while acknowledging the multitude of ways one can understand social processes, I still ask these participants to speak. And I am not the only one. Service providers and UNHCR are endlessly holding meeting, groups, interviewing over and over and over again, making these women speak and voice and tell.

Cairo is a very popular center for research and refugee related academic and policy issues and there is never a shortage of researchers asking, probing, theorizing, and representing. Most of the women that did end up speaking to me first had many questions for me, which I actively invited no matter how long it took, that were

focused on but not limited to, why are you doing this research and what will you do about it when you are done. After asking these questions it was mostly followed by, “We are tired, really tired, of talking to researcher after researcher and in the end nothing happens”. The same sentiment goes for UNHCR and service providers, other than taking testimony and all things related to RSD, people don’t really want to talk. They tell their story because they have to, and they have to again and again and again. One instance was very revealing and unsettling to Tsenu and I. She asked one of her friends if she would like to participate. Her friend got very upset and the conversation that ensued was emotional and exposing.

Friend: Tsenu I can’t believe you would use me like that. How could you? I didn’t think you were like this, using people. Why would you use me? Just so the researcher can get her information, get her degree, and move on and do nothing? So that she can succeed, we should be used?”

Tsenu: No she doesn’t want to use us. She is not like other researchers. I have known her for a long time and she wants to listen to what you have to say. If you do not want to participate its ok, I have the chance to talk to many other girls. But if you do talk you will get the chance to express yourself and your opinion, to express what’s going on in your life. Does anyone ask you or care what’s happening to you?”

Friend: So, if she is not the one benefitting then who is? Is it you Tsenu? Do you want to just take my story to UNHCR to get resettled or what? Do you want to take my story? Why would you use me?

Tsenu of course was understandably upset by this accusation. She did not understand why someone who had trusted her for years and had come to her for assistance and advice would all of a sudden lose trust in her like that. They continued to discuss and Tsenu defended herself, the conversation ended by the friend saying that she would ask her husband if she could participate or not. I told Tsenu that this did not need to be followed up because of the stress and anxiety this caused her.

Ethically there needs to be accountability here, people do not like feeling like specimens in a Petri dish. There were many occasions in which we witnessed the change in demeanor when informal discussion then led to formal interviews. One

experience that was very insightful is when Tsenu and I practiced the interview together at various points to make sure the questions were smooth and we had an understanding on the translations of terms. The minute Tsenu's role was changed from that of the interviewer to the interviewee, she became nervous and anxious.

All of these relationships and the trials and tribulations we faced have deeply impacted all of us. All of the discussions had and time spent together, especially with Tsenu and Talake Set, deserves a note on resilience and intersubjectivity. These two women have been, and continue to be, a major part of my life. We have a working relationship and a personal relationship. This is not to say I am naive and do not understand that some would say researchers have increased power and status over asylum seekers and refugees. But one must realize the only difference between them and it is that I have citizenship within the state of Egypt. While that does create a discrepancy in access to services, employment, educational opportunities, and access to the legal process and attaining of rights, this does not mean as people, we can not share an intersubjective experience or friendship. We defend each other and trust each other. We advocate for each other at every opportunity. We share food, gifts, insights, and troubles. In other words, these women are much more than key informants, interpreters, translators, or "refugee women". To participate in research, as I said above, one needs to see some sort of purpose or end product other than the production of knowledge. We all went through this process together, discussing issues of ethics, consequences, change, power, violence, and all else at every possible moment. In all ways, this has been a collaborative project in which their participation and faith in was crucial.

Accessing Asylum Seeking and Refugee Women through Activities

Realizing that our efforts to communicate with women were not as productive as we thought, we decided to employ multiple ways of contact. The most telling of all of our trials was through the learning of Arabic. There is an Arabic Language Learning Center that many people attend learn Arabic at and it is, although I did not initially know this, a governmentally run center. Many nationalities attend this center; they boasted that their students are of over 50 different nationalities. This is the center at which Tsenu chose to do her courses in as well as many other Ethiopian and Eritrean women, not to mention a variety of other countries that have individuals seeking asylum in Cairo. Tsenu spoke to her Arabic teacher and he was very willing to participate and help out with this process but we needed to get permission from the center's director which initially seemed simple enough. The Arabic professor invited me to the center to speak to the director. I came early and was greeted in the friendliest of ways by the students, teachers, and staff. Tsenu and I were very optimistic.

I met the Arabic teacher first who shared a history of the center and the structure of how the center runs. I went in to meet the director who actually was to my surprise, a high ranking officer and government official. I did not know this of course until he gave me his card at the end of our discussion and I went home to send him the materials he had asked me to. We spoke and agreed on the fact that I would come two days a week and I would be able to speak to Ethiopian and Eritrean women during the break from 10-10:30 am. I asked if he would like me to bring a formal letter from the university stating what I was doing, why I was doing it, and who my supervisor was as well as who to contact, but he said to me "Its enough dear that you are Egyptian!" and all he wanted was my list of questions and the days I would be

coming. I emailed him this information, and he answered back via email confirming his approval.

I came at the next date agreed upon to talk to some people during their break. The secretary said hello to me, and the teachers too, all acknowledging that my presence there had been approved by the director. After a while, when the bell rang for the break, I started to gather women with Tsenu to speak to and introduce myself. When the secretary saw this she said, “No you can’t do this yet. The director said for you not to talk to anyone until he arrived”. He would arrive at 11-11:30 which was after the break ensuring that I would not have a chance to speak to anyone that day. All of these women were domestic workers and had to hurry to work after this class. I told them he had agreed and emailed me his approval and a nice note about how the center was waiting for my arrival but I was met with resistance again. I waited until the director came; we re-discussed everything we had last time, with no new information shared and agreed that he would see me the following week and that I was allowed next time to start right away.

I came the next week and Tsenu and I gathered the women into some sort of conference room. The teachers agreed that their students could be a little late back to class. This was to be my first opportunity to hold a focus group which had initially been the main component of my research plan but had then become evidently unfeasible. I introduced myself, they introduced themselves, and we started our focus group. We started by the consent form and spent almost 35 minutes on introductions and questions when the secretary burst into the room interrupting the session, and stating that we could not do this and that the director had asked again that I wait for him to arrive. I made the women feel open to speak and as they began to feel comfortable and open up, the harsh interruption made them feel insecure and unsafe.

After that, Tsenu spoke to some women, and they said they didn't feel safe there and they could be listening or recording what they say and giving it to the government or UNHCR. Again I was reminded why I did not like to be affiliated with organizations for this project. We decided that we would not do group interviews but interviews individually or in pairs, and that we would leave the center during break. Many women now had changed their mind and did not want to speak to us anymore. One of those women who was so adamant about not speaking to us did speak to Tsenu a month or so later surprisingly. Again, there was the sense of intrusion, of monitoring, of insecurity.

Tsenu and I continued for another month, trying different strategies, mostly unsuccessful. Each time there was an excuse at break time that wasted our time, whether it was the director, his secretary, or teachers, there was always the question of whether I was allowed to be doing what I was doing or not. The fear and insecurity in this center made Tsenu and I feel very insecure and left us both feeling desperate, powerless, and violated. Tsenu said that this was "so depressing" for her and that she could not go on with this track. I respected her wishes but later on wanted to continue the struggle on my own and not give up as my adviser had advised me. I was planning to do so of course on my own so that Tsenu would not be negatively affected by my actions but the center closed down for a vacation after the course was complete.

We had one day of success and out of this day I got to meet a bright and shining woman who I named Smiley, Fegegetna, because of her cheerful demeanor. This was the last day I went to the Arabic center and the events that happened afterwards seemed significant. Tsenu brought Fegegetna to a café where I was waiting after their Arabic class. Fegegetna struck me as a very strong and resilient individual and her feedback has been informative and thought provoking. Ever since

this interview, we stayed in contact, and because she knows English we were able to have conversations independently of interpretation. The most amazing thing that happened was when they both had to go to work; I told Tsenu that I could take her to the bus stop at the end of the street and that if Fegegetna was going the same way to come with us. It turned out that Fegegetna is a domestic worker in the area I lived in and was going there now and I told her to come with me. We leave the café and catch a cab. We enter the taxi one by one and try to squeeze in. Fegegetna was the last one in and closed the door, but not completely. The taxi driver said to close the door again, harder this time. Once she understood what he meant she tried again and again and failed. The taxi driver said humorously, “Come on dear didn’t you have breakfast? Ok now, shut it as hard as you can”, then he gestured to us, “What don’t you guys want your friend to stick around or do you want her to fall out while we are driving. Come on close it harder. You see, we here care about people not like the government!” and we replied while laughing, “No we want her around we need her around she is essential”. After the conversations and experiences we had had, this comment seemed to bring everything together. The three of us knew that the significance of this man’s humor and kindness was unknown to him, and in that moment we shared a sense of comfort and escaped all of the negativity that had been in our paths.

Accessing Asylum Seeking and Refugee Women through Service providers

After the many adventures Tsenu and I faced, when Tsenu started to work as an interpreter at a service providing organization, we decided to try to pursue talking to women who visited this institution. We continued to network outside of institutions but realized that we needed more feedback from asylum seeking and refugee women. We decided also to try to cover more ground by allowing Tsenu to do interviews in

my absence during the week at this institution while at other times when possible, especially during the weekend, we would do the interviews together. The issue here is that Tsenu could not predict when she would be able to have the chance to speak to women so we could not take care of the logistical aspects of meeting. I trained Tsenu how to do the interviews on her own and 5 individual interviews and one interview with two women at once was what arose out of this endeavor. It was very time saving and useful for me and good experience for Tsenu, but I still regretted that I went back to means of collecting information that was simpler and focused on accessibility. Researchers usually send out their assistants and they return with neat transcripts and then the researcher uses this narrative as they please. There is a disconnect that I sensed, that I did not know these women and in terms of ethics, this was the hardest for me to excuse because I did feel as if I was using them. We needed to go faster, to collect more information, and all of a sudden I felt the project had changed. Although I know that was not and is not our intention, the particular power dynamics of this process left me unsettled. Nonetheless, I am indebted to the women who decided to speak with Tsenu on my behalf from this organization, and their feedback was essential.

These women were all clients seeking disparate services from legal aid for RSD, to psychosocial services as well as psychological services. Tsenu approached women after their session and this also meant that she had been the interpreter of the interviewees. Now this may have made the women feel more comfortable with Tsenu but I feel there must be unforeseen consequences to the nature of this relationship that I can not access within my experience. Even though these participants were informed that the interview was not related to the work of the organization, confusion could occur. Also, these women had spent the last period of time prior to the interview

speaking to the service providers, meaning that they were already in the mode of voicing, for better or for worse. Tsenu did the interviews in many places but not inside the institution. The institution had previously offered an interview space for me to use and kindly so.

When I received Tesnu's transcripts, I realized that most of the time she would not have time to finish the interview and that the questions did not flow smoothly. I restructured the interview and Tsenu and I collaboratively edited it (see appendix I). This means of access will continue in the future but with some modifications, one being that I would like to be there to meet the women and speak to them. If ever I did an interview without Tsenu, I felt the process was incomplete and the same when she did them without me. Our collaboration and teamwork is what made this experience significant.

Ethics and Politics

There are two issues that I need to be aware of in terms of the implications this research could have on the current situation I am exploring and representing. Through my critique of the current institutions of power that deal with refugees I hope to bridge a gap in communication and by making these groups as well as others in the field aware of and hopefully motivate to critically rethink these issues. A concern of mine is that instead of bridging gaps in communication between the various actors involved I may reinforce already existing tensions and in my new line of inquiry could create new lines of distrust and cynicism. Many service providers and UNHCR staff can be very defensive while receiving critique or being asked questions of any kind and use a variety of justifications to explain the status quo that takes responsibility away from them and puts in on an outside actor (most likely the Egyptian state, asylum seekers and refugees themselves, UNHCR, or the international

community and the higher UN system). UNHCR staff claim that the state and funding are huge limitations to the work they can do. On some level this is something that is internationally witnessed but to what extent are these two obstacles used as general scapegoats?

Although I do examine the sense of self and power within the system that these service providers and UNHCR staff perceive as limited, I must also balance that with my critique of their systems. On the one hand, I need to treat this group of interviewees with the same ethical responsibility that I give to the other groups (which most of the time are unfortunately those less powerful and live by the rules set by the prior). On the other hand, I need to be critical of the systems of power that they represent and participate within. One way in which I tried to address this issue was by keeping an open ear to what service providers and UNHCR have to say instead of only looking for information to prove that my negative expectations of these individuals are correct. I must see these people as multidimensional; both under the influence of various forces while simultaneously having great power to influence the day to day lives of asylum seeking and refugee women. They are at once powerful and powerless. Discerning the nuances of the situation in terms of the various actors and processes that contribute to the current situation was an important process. If I am to portray those asylum seekers and refugees are not simply victims, therefore service providers and UNHCR can not simply be the perpetrators. I, to the best of my ability, allowed the speaker to convey their perceptions and while probing, tried to be sensitive to the ways in which I asked my questions as to not assign blame or judgment. I hope the readers of my thesis take this knowledge and representation, and instead of continuing to assign blame or guilt, to try to find solutions to the very real problems I address.

The second issue of great importance and worry is that through my interrogation of what specialized categories that address sexual and gender based violence do to women's subjectivities, the message I could be giving is that they should be taken out, not reformed. This situation is one of many that the objective of academics and praxis collide and interact. However theoretical and critical my research may be, in the end the objective is to question these issues and enter into debate to benefit praxis. These categories assist women in receiving essential medical and financial services as well as speeding up RSD and resettlement processes for women in serious danger. I do not want women to lose access to these essential services. Ideally I would like these services to be available to women without making them perform a sexualized victimhood. I aim to express the dire need to be careful while leading interventions into matters of sexual and gender based violence so as to not re-violate the person once again to access resources. The situation in Cairo, and globally, is extremely political and complex while hiding under the guise of apolitical and humanitarian. One has to be very careful to be clear exactly what the arguments are and to attempt to not fuel the conflict that is already in play that has refugees at the losing end. While writing I try to be careful to balance critique with praxis, always trying to keep in mind the sociopolitical context in which I write up my findings. I have done my best in trying to keep my criticisms productive and represent everyone's position within the mess.

Chapter 2:

In-Justice, In-Action: Cairo as a Space and Place of Rights & Violence

“Home”

*Homesick for the streets
filthy with the litter
of people, overfilled so you must
look to put your next step down;
bare feet and galabiyas pinch
you into a spot tighter
than a net full of fish,
drivers bound out
of their hit cars
to battle in the streets
and cause a jam as mysterious
as the building of the pyramids,
sidewalk cafes with overgrown men
heavy suited, play backgammon
and bet salaries from absent jobs,
gypsies lead their carts
with chanting voices,
tempting with the smell of crisp fried falafel
and cumin spiced fava beans,
sweetshops
display their baklava and basboosa
glistening with syrup
browned like the people who make them,
women, hair and hands henna red
their eyes, kohl-lined and daring.
The storms gather from the ground
dust and dirt mixed into the sand,
a whirlwind flung into my eyes,
I fly across
and land-
hands pressing into rooted earth.
(Kaldas, 2001)*

“They took my home, but they can’t take my future.” UNHCR, World Refugee Day 2010 Theme

“On this, World Refugee Day, I ask you to help us help refugees find a place to call home.” High Commissioner António Guterres, Message for World refugee Day 2010

Al-Qahira Cairo

“Cairo, like all constructed places, will always be contested. Its identity and normative trajectory will never be fixed.”(Singerman 2009, 31)

Cairo is an intricately constituted urban space. As many other cities in the global south, Cairo has a dense population, many flourishing informal settlements, a rich informal sector for employment, and is a window into contemporary debates on neo liberalism and the conflicting forces and ideas of modernization. Cairo, like many other cities, is a space rife with contestations over politics, religion, identity, citizenship, belonging, justice, and disparate forms of utilization of urban space. Regulation and control are highly characteristic of the state, police, and inhabitants, but so is resistance to mechanisms of control by the marginalized and disenfranchised populations of the city.

Cairo has been a space to which those fleeing persecution have fled long before the establishment of the UNHCR or the 1951 convention. Alongside the rural to urban migrants, asylum seekers and refugees are now a very much unwanted phenomenon and seen to be tarnishing the desired modern image of cosmopolitan Cairo. Within the city, forced relocations, the demolishing of informal settlements and many other state inspired endeavors cause continuous internal displacement within the city. It is not only refugees, asylum seekers, and foreign migrants that suffer at the hand of injustice; rural to urban migrants are fighting for legitimacy and rights to and within the urban space of Cairo. What constitutes the legitimate urban presence is constructed by various processes that occur on a local and global scale resulting from global as well as state discourses on modernity.

The population of Cairo reached 6,758,581 according to the 2006 census published by the “Central Agency for Public Mobilization and Statistics”. “Eight

million Cairenes, plus a daily influx of two million persons, live on an area of 3435.3 square kilometers or about 0.3 % of the total area of Egypt” (Cairo Governorate website). Of course counting people is a political act and one can understand that the figures are usually lower than is actually stated. Also, many migrants, asylum seekers, refugees, and many living in informal settlements are not counted as part of this population to escape further relocations and police brutality. Many hide within the dense and active urban landscape. Cairo has become characterized by a metanarrative of chaos, traffic, overpopulation, and the encroachment of “undesirables”. This proliferation of “undesirables” and chaos is accompanied by a movement to the borderlands of Cairo where new and mostly affluent gated communities are being built. As Singerman notes, “Paradoxically in the postcolonial world we see a return of the notion of a dual city, which had characterized bifurcated colonial architecture that imposed residential segregation between the exogenous elite and the indigenous inhabitants while building imposing edifices of state power” (2009, 16). Simultaneously, there is a strong move to turn downtown Cairo into a pedestrian only zone.

Since 2005, signs of political protest and resistance have made appearances, but have quickly been quieted, such as the Kefaya movement calling for reform and fair and democratic elections. In 2005 this was not the only significant political occurrence; it was also the year when thousands of Sudanese refugees protested in front of the UNHCR Cairo office. The sit in lasted three months before the state forcibly removed the protestors, which is an extended period of time for the police to have allowed the protest. Much debate surrounds this event and the event is one of the main issues that refugees have been discussed in Egyptian media and popular discourse.

A significant issue for both Egyptian citizens as well as asylum seekers and refugees is the state of law in Egypt. The legal system in Egypt is based on Islamic Shariah law and civil law, (Napoleonic codes). The emergency law (law 162) has been in enactment since 1981, making Egypt a country that has been in a constant state of emergency for nearly thirty years. The emergency law was recently extended for two more years in May 2010. In an opinion piece in the newspaper *Al Masr Alyoum*, the author states “The state is addicted to the Emergency Law” (“Egypt's own law of the jungle”, 2010, translated from the Arabic version). Emergency and insecurity thus comprise a large part of life in Egypt for all who inhabit it. The law allows for arbitrary arrest and detention with no recourse to fair trials, strict censorship of all mediums of communication, random searches and seizures of property, the violent suppression of all forms of social protest, restrictions on freedom of movement; all of these measures render securing rights and justice in Cairo a difficult prospect for everyone.

Sectarian strife compounds the difficulty and violence of everyday life yet further. The majority of Egyptians are Sunni Muslims alongside a primarily Coptic Orthodox minority. Other Christian denominations are few but include Catholic, Protestant, and Evangelical constituents. The Christian minority is subject to Islamic law and on very few occasions, such as marriage and divorce, particular laws are implemented for them. Christian minorities systematically have claimed, especially in recent years, that they are harassed and discriminated against. In Cairo, for Egyptian as well as asylum seeking and refugee populations, religion plays a large role in determining daily life and struggles within the city. Even though most of the more prominent cases of sectarian violence did not afflict Cairo per se, the city is the space where such violence becomes exceedingly visible. Asylum seekers and refugees that

are of Christian denominations also feel a sense of discrimination against their religious beliefs, compounded by race and their illegal status, making women feel exceedingly insecure. Many denominations have tattoos or scarring of crosses on their wrists and foreheads, much like many Egyptian Christians have crosses inked on their wrists. My interviews were replete with stories and commentary on the effect of religion.

55: We are the ones who are here and they think we should not be. This is a Muslim country and it is their country. At times I feel very scared, they know I am not Muslim

Talake Set: There was a boy in our neighbor hood the area I used to live with the other girls he always harass abuse us. He's a teenager. He throws stones on us he insult us but we never know his reason. Anywhere if he sees one of us passing by him he immediately goes looking for stone and tells his friends to join him on the attack. One day me and my friend was going back home he followed us until we open the door and said some thing in Arabic we didn't know he was on our back we didn't say any thing we just entered to the house and closed the door behind. We were very scared because he was coming after us. The other day I met him with his friends the moment he saw me he was telling his friends to cooperate and look for stones.

Where did you see him?

Talake Set: In Maddi in the area close to where I am living now, close to our building. The moment I saw him looking for stones, I walked straight to him and his friends. When he see me coming towards him I think he was kind of scared he dropped the stone and started saying what do you want ?I stayed calm and said I want to talk to you I know my Arabic was too bad but I still believed they could understand me. I said" are you not Muslim most people in this country are Muslim they know God they know Haram they respect people you see our neighbors are all good people they never do any thing bad to us don't you read Kuran"

That was the only system I should use to protect my self because if I go to his family I could face the worst because he is the product of them. I can't go to police or any were it's up to me to deal with it so I told him that I have Muslim friends even the owners of our house are Muslim they like and respect us and we like them to why are you doing this to us. He was very surprised and asking me "are you Muslim" again and again, he was kind of feeling guilty just because I said good things about his religion and his people. I said I am not Muslim but I have Muslim friends and they are very nice they know God and Haram trust me Muslim people are the best people in the world they are very nice.

That was creative.

Talake Set: I was wondering by myself how I got the idea and he looked very sorry for what he's been doing to us and his friends started saying enough he will never do that again we are Muslim he's also Muslim. Since that day he respect us he never do any thing to harass or abuse us. I told my friends and they were very surprised they were saying thanks God you saved our lives. Some times you need to say things you

don't believe they are right you have to sell your belief and personality for your safety. I never believe on most of the things I said to him, that's not my real feeling. I believe in good qualities as a person not in religion there are good Muslim people also there are bad Muslim people there are good Christian people and there are bad Christian people. Most of the time I have to say things I don't believe in saying in order to protect my self like boy could have hurt me or my roommates if I didn't come up with that pretending.

While trying to access asylum seeking women and refugees through the state run Arabic center, Tsenu's Arabic teacher at the center was assisting us. He seemed to be a very helpful man and that he respected all of his students, regardless of nationality. While I was interviewing Tsenu, we started to speak about feelings of safety and security. She brought up the issue of religious discrimination and then recounted her interactions with the Arabic teacher after we had stopped working at the center.

Tsenu: Even if people don't say much about it or use it as a means to abuse you religion is one way of discrimination here. The first reason is your being a refugee woman and the second instrument for abuse is religion. Do you remember the teacher in Arabic center? I am sorry to say he is the worst teacher I have ever seen. Never share any thing with him any information about your job or any he's just terrible person.

Really? What did he do? I thought you liked him?

Tsenu: He's very abusive also I have experience with him he is kind of good pretender he appeared to be very nice person. He seems to care a lot about you show you some fake sympathy but at heart he is wild he's very bad person he put us in trouble me and Fegegetna.

After I went?

Tsenu: No it's not related to you, you know we usually trust him he appeared to be very caring father like figure for us. He talk to us as if we were his own daughters so we shared him some of our stories about our job family etc. So when we are absent from school we call him and tell our problems he says no problem I understand you. But he put us absent on the attendance sheet even when we were attending and told our story to every teacher in the school so other teachers know us too well. We found out that when we switched to other class the teachers were saying oh you girls you are this kind and that kind and you don't attend school. The teacher in the new class said so many things about me as if she knew me already on the first day I saw her. I was wondering in the class room, he divides students in Cairo Eritrean and Ethiopian. People are like family for me I don't separate Eritrean from Ethiopians they are both refugees. So in class room this man says Eritrean are our Muslim brothers and Ethiopians are our enemies. If you are Muslim he's very welcoming he tells you, you are ours we are the same people Alhamedilila and he says Christianity

is a religion established by aid Christians follow their religion in order to get aid from westerns it's not a Godly religion

He said that in the class?

Tsenu: Yes in front of every one. No one talks to him back he's very discriminative and bad person.

But a lot of people from Eritrea are Christian too, nobody said anything?

Tsenu: Yes there is Christian. This man is very supportive of Arab and Muslim countries and every time if he see veiled student in the class room he says Alhamdilila you look great because you are Muslim in front of other Christian students. Yes he's very weak-minded when you try to be nice with him he sees things in a different way so religion is one instrument of discrimination here.

What did he do to Fegegetna?

Tsenu: He did the same thing he switched us to another class. We have this attendance card which is supposed to stay with the student and the teacher has to sign on it every day. He took and kept only our cards with him. He signed and return other students card with so many absences, and he didn't even sign the days we attend the class. Just to make it through and try to get the certificates we paid 2000LE for we tried to be nice anyways. We were doing our best to get him to our side we say to him you are the perfect teacher we ever had we never had your kind of teacher even in our country!

It is an impossible task to try to give an accurate or complete description of the urban context of Cairo, the contestations, sounds, smells, struggles; but the abovementioned issues are a few prominent ones that must be taken into consideration while thinking about violence, identity, belonging, and justice.

Al-Lagi' fe Al- Qahira The Refugee in Cairo

Revisiting the issue of keywords, keywords in different languages can never have the exact same meaning or connotation. The word used for refugee in Arabic is *lagi'* and its literal meaning sheds much light upon how refugees and asylum seekers are perceived in this part of the world. There are many versions and uses of the core *laga'a*. *Lagi'* means, in local usage, somebody who needs something from you and is dependant on you. The connotation is negative generally, but it is not specific in defining a particular defined group. While it is used to speak about refugees and

asylum seekers, the word in Arabic has various other meanings. In the media it can be used to speak about those who are victims of forced relocations or in other contexts characterized by destitution. Many do not know the difference between migrants, forced migrants, asylum seekers, and refugees. Generally it is known now that Iraqis and Palestinians come to Egypt for specific political purposes to flee persecution, but many other asylum seekers and refugees, especially from Africa are all lumped together and are primarily viewed as economic migrants. In local discourse asylum seekers and refugees are represented by a word that is focused on need which in the context of Cairo is very fear evoking because of the great needs that citizens have and feel will be appropriated by the “refugees”. Other words used to describe those that constitute refugees and asylum seekers in the media are *motasalil* meaning “infiltrator” or “intruder” (especially in the context of trying to cross the borders into Israel), as well as what translates to “short migration” indicating short periods of migration that have the connotation of being forced and temporary.

“The vexed question of counting refugees, and the ways in which this task is complicated by politics, is never more evident than in urban areas” (Jacobsen 2006, 275).

Statistics on population and its constitution is highly contested and political. Also, statistics about the numbers of asylum seekers and refugees, or as Grabska put it, “highly mobile and marginalized population” (2006 292), in Cairo vary greatly and each institution has its own agenda for their politics of counting. UNHCR statistics are highly dependant on who constitutes what is called a person “of concern”, which excludes those who have not registered with UNHCR, those who have had their files rejected but are still in Egypt (rejected because they did not fit under the convention or OAU definition or because of unfair RSD or appeal procedures), and those who do not fit the highly contested definition of refugee. Of course, state statistics are very

different when available, especially concerning the number of Sudanese in Cairo which is estimated to be in the millions while the UNHCR places them in the tens of thousands (Jacobsen 2006, 275). There is no information on the ways in which Egypt collects statistics or the definitions of particular categories to be counted or excluded. Below is a table of compiled statistics from UNHCR's "Statistical Yearbook", using data from the 2001 edition till the most recent 2008 edition on Egypt. Also, limited statistics were available on the numbers of Ethiopians seeking asylum and refugee status and since they comprise the largest asylum seeking and refugee seeking group represented, a group that is continuously growing in number and that is still unfamiliar with and lacking access to services, I include this section. One must keep in mind that these statistics are highly understated, but they do show that the numbers of "people of concern" have consistently increased over the years.

Year	Total Population of Concern - UNHCR	Ethiopian
1993	6712	-
1994	7223	32
1995	5407	37
1996	6101	47
1997	6538	59
1998	8478	44
1999	11, 177	56
2000	18, 025	54
2001	22, 885	102
2002	92,558	111
2003	94, 156	329
2004	99, 208	481
2005	100, 047	516
2006	104,468	-
2007	112,515	-
2008	112,605	-

Table 1: Total Population of Concern to UNHCR 1993-2008

To describe the working context of Cairo, UNHCR writes in its "2010 UNHCR Country Operations Profile - Egypt":

"Egypt is a signatory to the 1951 Refugee Convention and its 1967 Protocol, as well as to the Organization of African Unity's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. However, it has no domestic procedures and institutions for asylum. All aspects of registration, documentation and refugee status

determination (RSD) are carried out by UNHCR under the terms of a Memorandum of Understanding with the Government. The situation is not expected to change in the near future.”

In many urban settings in the global south, UNHCR performs RSD and performs many other roles that the 1951 convention attributes as the responsibility of the state. Many states can not or will not put legislation and procedures in place for various economic and political reasons. Egypt also has made reservations to the 1951 convention, to article 12 (1), article 20, article 22 (1), and articles 23 and 24. Other than article 12 which conflicts with Egyptian personal status law, the other articles to which Egypt has declared reservations have to do with being treated on par with nationals in terms of financial and social resources. These reservations mean that refugees do not have access to national rationing systems (20), elementary education (22-1), public relief and assistance (article 23), labor legislation and social security (24) in Egypt which creates a very difficult environment in which to seek asylum.

There are various ministries that are key in dealing with asylum seeker and refugee issues which are the Ministry of Interior (Habib Ibrahim El-Adly), the Ministry of International Cooperation (Faiza Abu El Naga), and the Ministry of Foreign Affairs (Ahmed Aboul Gheit) which has a particular department for refugee issues and a “Deputy Assistant Foreign Minister for Refugees Consular Affairs”. On the website of the Egyptian government and in state run media, state officials of various ministries praise themselves at length at how they handle the “refugee issue” (see " Minister of International Cooperation Abu el Naga Commends the Cooperation between the UNHCR and Egypt" and "Egypt and the Refugee Issue"). Discourse and rhetoric of policy and procedure of the Egyptian state is much like that of UNHCR, they conflate what is supposed to happen as what happens Egypt’s state officials portray the state as fulfilling the legal obligations expected and demanded of them by

their ratification to the convention, excluding those included in the reservations. The relationship between UNHCR and the government is constantly being reconstituted. Most of the pertinent issues of debate and decisions rarely are accessible to the general public. UNHCR generally, and in the case of Egypt, only raises their concerns publicly when Egypt illegally deports asylum seekers and refugees (refoulement) or when they detain asylum seekers and refugees while refusing access to communicating with UNHCR staff.

The main minister that appears in the media, according to my analysis, is Faiza Abul Naga, minister of International Cooperation. In various press statements Abul Naga has emphasized the importance Egypt gives refugee issues and is in constant contact with and giving praise to UNHCR (See above and "Abul-Naga: Egypt Attaches Great Importance to Refugee Issues"). President Mubarak also gave a speech at the “Special Summit on Refugees, Returnees and Internally Displaced Persons (IDPs) in Africa” in Uganda in 2009; the speech was read out on his behalf by Minister of Social Solidarity Ali el-Moselhi. Mubarak emphasized African unity and identity instead of Arab unity and identity, showing how the Egyptian state can switch modes in different contexts. He called other African countries “brother” and “sister”. Again, Mubarak praised the state’s policy towards refugees and reminded us that the “burden” falls on a particular side of the world and the other side of the world should help alleviate that “burden”. In a speech made by Guterres two years prior in Cairo, the same political tiptoe-ing about issues of state vs. UNHCR responsibility was evident (March 4th 2007).

Livelihoods in the Vulnerability Context

“A livelihoods framework comprises an analysis of the assets and strategies refugees used to achieve desired outcomes, and the institutional or structural context, sometimes called "vulnerability context", or processes, institutions and policies

which constrains or enables access to these assets and strategies... The vulnerability context is determined by the law and policies of host governments and the way these policies are implemented, the public and private institutions devoted to supporting and managing refugees; and the dominant public ethos towards refugees, which can range from widespread public xenophobia to attitudes of welcome and sympathy. (Jacobsen 2006, 279-280)

To further shed light on the context of Egypt that asylum seekers and refugees participate in, I utilize the concept of “the vulnerability context” that arises out of the livelihoods framework. In the following section I will introduce the different service providing organizations that cater to asylum seekers and refugees while also describing the limitations of general services for Egyptian citizens. Although the term “vulnerability context” accentuates vulnerabilities instead of abilities, it is a useful way to frame the various influences and actors involved in the constant negotiation, contestation, and interaction with asylum seekers and refugees in everyday life.

In Cairo there are various NGO’s (secular and faith based), churches, mosques, and other service providing agencies who offer legal, medical, financial, educational, psychosocial, and psychological assistance as well as language and skills/vocational training. Most services in Cairo are specialized services for recognized refugees illustrating the lack of integration between services for nationals as well as the lack of accessibility of national services for asylum seekers and refugees. I will only review the primary organizations, especially those that have services offered for sexual and gender based violence. These organizations suffer from a high caseload and low financial and human resource capacities, which inhibits them from implementing many policies and practices they would like to. The relationships between all of the various actors that participate in creating the vulnerability context, or ability context, are at times characterized by participation and other times by lack of communication and tension. These service providers are

primarily concentrated close to the downtown area of Cairo, making the receipt of any kind of service a task of navigating the very difficult urban landscape.

***Talake Set:** In the end, you don't know who to talk to or where to go. You go to Caritas and wait for hours to get in and see someone and they say that this is not their responsibility; you need to go to UNHCR. You go to 6th of October in the middle of nowhere to UNHCR. You are treated in both places like a criminal. You wait again and they say, no, why are you coming here for this, you should go to AMERA or to Caritas or wherever they say. You go back and forth and each time you get a different answer and you wonder do they even know what their jobs are. They just say that these things are not even their responsibility. They say it again and again, it's not my responsibility it's not my responsibility. They don't have the power to do this or that. Whose responsibility is it then? Who has the power? I know its not me and I don't have to go all around Cairo to figure that out.*

The services provided to asylum seekers differ from those offered to recognized refugees. It is very difficult for one to keep up with the intricate rules of eligibility within each of these organizations. Some services offer assistance to anyone that comes to them, some only to recognized refugees, and some accept clients if they have arrived to Cairo within a particular period of time. Many service providers break the rules to the detriment of the asylum seeker and refugees, but on the other hand, some service providers bend the rules to the betterment of the asylum seeker and refugee by allowing flexibility to rigid categories of inclusion. The chaotic nature of the context of these organizations, leads to multiple and contradictory perceptions being made and contested in the eyes of asylum seekers and refugees. Each nationality, each status, each story, each case, they all end with different outcomes leading to a lack of sense of safety and security. Two people go to the doctor with the same symptoms come out with a different diagnosis, two people have the same story but don't get the same outcome of refugee status determination, two people seek legal aid but don't get the same level of legal representation. These are common themes that many speak about and indicate more than anything, a lack of communication. The asylum seeker and refugee is told what to do, what to say, where

to go, what medicines to take, whether or not they can have international protection from persecution, but all in all is rarely ever told why. Regardless of how UNHCR, the state, NGO's, and other service providers go into detail about how they each do not have the resources, the ability, and the power to create change, they still have the immense power to influence every aspect of the asylum seeker and refugee's daily life and prospects.

Implementing and Operational Partners

There is no way to paint a picture as to the actual experience of asylum seekers and refugees while attempting to navigate the system, but below is a short summary to give an idea of who the implementing and operational partners of UNHCR are. These organizations do not operate in a bubble; there are various restrictions and influences effecting their operation. UNHCR sets financial and procedural guidelines and limitations on the work of their implementing partners. They set the agenda and they provide/allocate the funds. On the other hand, these organizations (including UNHCR) operate within the boundaries and apparatus of the Egyptian state. The national health and educational systems are inefficient to begin with and all those who try to access them are left unsatisfied. Even in the private sector, health and education services are not to be applauded for the most part. The basic structure, which is the state of Egypt, is a system that is actually struggling to survive. Also, again, Egypt is a police state functioning under emergency law, creating a general sense of fear and insecurity for all parties involved from the individual to the organization. These organizations also have differing legal status within the state as well as differing levels of cooperation with national systems. All of these contextual issues are important to keep in mind.

Caritas: Caritas is the main medical service provider for recognized refugees in Cairo. This organization is the primary organization to provide monetary support. Caritas provides access to various kinds of vocational training and Arabic language classes. Caritas are key decision makers rendering their relationship with refugees quite perilous at times, especially reflecting upon the fact that the entrance is guarded by around 15-20 armed officers.

Refuge Egypt: Refuge Egypt also provides medical care on a smaller scale than caritas. They also have a social assistance program where material (not financial) assistance is provided such as food packages, clothing, etc. Refuge Egypt is housed within the grounds of a church yet the services provided are not based on religious belonging. This organization is one that aims to provide more services for refugees, and in some circumstances asylum seekers, in their first year in Egypt.

Association for the Development and Enhancement of Women (ADEW): ADEW have a safe house called “The House of Eve” and this partnership is very new and created the first space available for recognized refugees. This is one of the first organizations accessible by refugee women making it a preliminary case of integration and would through time highlight the advantages, risks, complications, and benefits of this process.

Arab Council for Supporting Fair Trials (ACSFT): This is another partnership that is relatively new and this organization is the primary source of legal aid to recognized refugees. The capacity of the organization of course in no way compares alleviates the serious need for legal aid in Cairo.

Catholic Relief Services (CRS): CRS primarily provide educational grants to recognized refugees provided they have all the necessary documentation such a birth and school certificates, which needless to say is quite difficult in the context.

St. Andrews: This organization has a school for refugee children. The degrees are not recognized in Egypt. They also have a growing psychosocial program and assist with legal aid in terms of resettlement.

Africa and Middle East Refugee Assistance (AMERA): AMERA is one of the only organizations that provide services regardless of official legal status. AMERA offers legal aid with RSD and also have psychosocial services. AMERA is a key play in the facilitation of communication between asylum seekers and refugees with other service providing organizations.

UNHCR fe Al-Qahira UNHCR in Cairo

“The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to

resettle in a third country. It also has a mandate to help stateless people.” (UNHCR “About Us”)

“Our primary mandate is protection, meaning, trying to stop people from getting shot on the borders or deported.” (Former UNHCR staff, 2009)

UNHCR in Cairo performs multiple tasks to achieve their mandate. Their mandate is to protect refugees but what to “protect” constitutes is highly contested globally and locally in the context of Cairo. At certain moments, especially when on the defense, UNHCR state that the main definition of “protection” is nonrefoulment, in other words, preventing the illegal deportation of asylum seekers and refugees to their country of origin. The issue of state vs. UNHCR responsibility sharing is always under debate within the public venue of the media as well as behind closed doors in private correspondence. Regardless of the division of responsibility between the state and UNHCR, refugees in Cairo see UNHCR as their primary protector. UNHCR provides assistance, advocates on behalf of refugees globally, provides access to durable solutions, and much more. UNHCR, however much one may find fault and critique, is an essential organization for asylum seekers and refugees in Cairo. They facilitate many programs that increase security and safety in the “vulnerability context”, but even as they see themselves as powerless and lacking influence, their policies and practices have the power to impact asylum seekers and refugees in many ways. Although there are other actors involved in creating the “vulnerability context” and many obstacles to face (such as the host government, funding, accessing the community in a complex urban setting), there is still much to say about UNHCR’s policies and practices globally and in the Cairo office.

UNHCR, like the previous organizations mentioned, have a limited capacity and limited financial resources. Considering the scale of displacement and the rate at which conflicts that produce asylum seekers and refugees have increased over the

years, the organization is struggling to keep up and fund projects. Hostile host environments are not conducive and can become very clear obstacles to particular projects and agendas. UNHCR consistently emphasize the responsibility of the state and that the state holds the power of change in their hands. Nonetheless, as every organization has its weaknesses, they still have access to a degree of power over many people's lives. Where they decide to spend their money and how they decide to implement projects that are approved can make the difference in whether someone lives or dies. On a more structural level, the general policies and procedures that are behind all of these decisions are also simultaneously powerful and obsolete. There is always an ambivalent relationship between policy and praxis. Creating policy for people who have moved and continue to move is a complicated task, for the site of the policy must be global in its scope. Specifics of the "how" of implementation proves detrimental to policy creation as they erode the universality and generality of the nature of policy creation.

1951, 1967, 1997, 2009

"The text is not just an object of the past belonging purely to the present, for it comes to us already interpreted, not as a mere object, but as a tissue of interpretations. We must remain open to its 'truth', and if we become convinced of this, it forces us to rethink our current understandings, and to re-describe the tradition through which it arrives to us. However, if, as is more likely in this case, we find ourselves unable to reach an agreement with the text, if there can be no fusion of horizons, we are then entitled to try to situate it in terms of its context... However, this exercise, while anachronistic, is nonetheless productive; even where we cannot accept the 'truth' of texts from the past, we gain better self-understanding, that is, understanding of the tradition out of which we reason." (Seth 2008, 222)

"The past –or, more accurately, pastness- is a position" (Trouillot 1995, 15).

The 1951 convention was a production of knowledge immersed in the sociopolitical context from which the need for its drafting. UNHCR came into being to address a time and space specific set of issues. Specific perceptions of what was thinkable at that moment regarding conflict and refugee producing situations was

limited to the historical specificity of the time. Yet we today, over 55 years later, live by the same rules that were prescribed in a very different reality. In 1967 the protocol relating to the status of refugees was produced, stemming out of another perceived need for reformulation. The introductory note to a document that contains the text of both the 1951 convention and the 1967 protocol, “Convention and Protocol Relating to the Status of Refugees” was written by UNHCR in August 2007. It states that “with the passage of time and the emergence of new refugee situations, the need was increasingly felt to make the provisions of the Convention applicable to such new refugees. As a result, a Protocol relating to the Status of Refugees was prepared and submitted to the United Nations General Assembly in 1966... By accession to the Protocol, States undertake to apply the substantive provisions of the 1951 Convention to all refugees covered by the definition of the latter, but without limitation of date” (UNHCR 2007, 6). Temporal constructions of time were no longer limited to those who were persecuted before 1951; time frames expanded and became somewhat more fluid. Also, the concept of a limited geographical location was thrown out in article 1.3, expanding spatial constructions. It is not possible to say that the 1951 convention and 1967 protocol are adapted to current conflicts and refugee contexts, yet the inclusion that the 1967 protocol highlighted was a very significant one.

Policies, conventions, protocols, dialogues, they are all tissues of interpretation and give us an understanding of the “tradition out of which we reason”. The aim of providing those seeking or who have attained refugee status their rights and position within global systems of (in)justice can not be attained by spatially and temporally fixed conceptual tools that in no way speak, literally or metaphorically, to the realities of the subjects of these productions. We are in a temporal maze, the

contours of which are defined by the rigidity of the perception of time and space by UNHCR and yet challenged by the realities we witness.

UNHCR has at different moments in time performed in ways contradictory to its mandate, to the detriment of its population of concern, and was able to do so by constructing their mandate as malleable. One way that they have done so in the context of Cairo and many other urban settings, is the construction and implementation of their policy on refugees in urban settings released in 1997 and in effective implementation until recently. In September 2009, “UNHCR Policy on Refugee Protection and Solutions in Urban Areas” was released putting the historical moment in which this research is in its final stages, into one of ambivalence. The 2009 policy is much more amiable, but even though the rhetoric of change is among us in this transitional moment, the current context is a product of various forces and histories that need to be addressed. I examine and reflect on the context that the policy has produced, while also examining the new policy for changes in tone, perspective, and possibilities for positive change in the future of asylum seekers and refugees.

Policy creation is a process of knowledge production, operating within a specific temporal and spatial context. Policy utilizes various keywords with the objective of addressing and solving a particular “problem” that in and of itself has a history and future progression. Disparate snapshots of time must be packaged in an organized narrative with actors identified and social processes explicated. One must reconcile these tensions, usually by silencing narratives that are inconvenient or that would complicate proposed the representation of the social context or proposed “solutions” in any way. Time and space essentially confound the policy maker and those who need to implement policies that are outdated.

There are also spatial issues when it comes to policy production, the policy must be implemented in a set and bounded space. Space is much more concrete and fathomable, more malleable and locatable. The aim of the 1997 policy was to discourage settling and dispersal in urban areas, the preferred space being camps because of the ease in which bodies can be regulated. “Urban” becomes a very dangerous keyword in dialogue and discourse. Somehow to UNHCR the space and place of rights in an urban area is much more elusive than that of a confined camp. Simply from the title of the policy particular semantic issues become pertinent. What does “comprehensive” constitute? Is a comprehensive policy even possible considering the disparate situations in various urban settings globally to which refugees are drawn? No less important is what constitutes an “urban refugee”? Who decides? Based on what theoretical assumptions? What are the spatial issues involved in this elusive definition?

The 1997 UNHCR policy on urban refugees has two very contradictory themes underlying and running through every line of the policy. One pertains to restrictions; the other solutions. The first theme focuses on the controlling space and the limiting of movement by the limiting of assistance in urban settings. This section expresses UNHCR’s stated belief that refugees should not live in urban centers as a general rule, which I discuss further below. The second theme is the focus on the manner in which UNHCR can facilitate the self reliance of urban refugees. UNHCR is said to deal with urban refugees by facilitating training and opportunities and various other livelihood based skills for refugees in urban settings. This applies only to those refugees who “deserve” to be in urban centers according to UNHCR, in other words those refugees who are classified under the “Legitimate Urban Caseload”.

The primary aspect of this policy that has been implemented consistently is the emphasis on restrictions leaving urban refugees increasingly vulnerable and destitute in urban areas around the globe. It is much easier after all to implement restrictions rather than creative and beneficial solutions. The costs of this policy are high and have been at the expense of refugee protection and security as well as the rights of refugee movement all the while without achieving the objective of deterring refugees from moving to urban centers as the statistics of the numbers of “people of concern” show above. Also, in the context of Cairo where Egypt has made clear reservations, how is this supposed to create a protective space? What then is the policy setting into motion in urban settings?

Tone and Approach: Urban Refugees as a “Global Problem”

Examining the nature of the assumptions and selective implementation of this policy can lead to identifying areas of tension within the policy and its applicability in various settings. What we can do now is construct the story of a story of a story that helps us interrogate the systems from which we now “reason”. I will provide information on a few “key” themes in the policy, namely the overall tone and approach, the definitions of urban, legitimate space, and protection, the idea of who is responsible for urban refugees, and the pertinent issues in my research, “Women” and “Violence”.

From the outset, quite a few issues are identified; one of the most important being the negative and derogatory language used to describe and at times the criminalizing representation of refugees in urban settings. A belief that the UNHCR funds would be better spent on rural settlements and camps was one the UNHCR held firmly while it stated that a “disproportionate amount” was spent on the urban caseload (UNHCR 1997, 21). There is also the assumption that the urban caseload is

primarily composed of young, single males (UNHCR 1997, 20). This is an interesting statistic considering that so far there has been no settled upon definition of an “urban refugee” and no reliable statistics collected because of the definitional issue as well as the politics of counting refugees discussed above. UNHCR also believes that refugees should not be in urban settings and that they should all be in rural settlements or camps because “life in urban areas does not constitute an answer to a refugee’s problems”, that funds should not be allocated to urban programs, and that assistance to “legitimate” urban refugees should be minimal and canceled out altogether for “illegitimate” urban refugees (UNHCR 1997, 7, 21, 9). The policy indicates that urban refugees are a burden on UNHCR’s budget, that they are a burden to the host country’s economy and services, that most urban refugees are “irregular movers” who do not have the “right” to be there in the first place, and that refugees are violent and cause conflict when their expectations are not met. The fact that they wanted a policy that was valid on a “global basis” without carefully examining these global locations was naïve not even including the fact that UNHCR felt such a task was even achievable.

UNHCR also describes in the beginning of the policy how certain nationalities that dominate the urban areas have “nomadic” traditions and are “economically-driven” reasons for moving (UNHCR 1997, 19). Regardless of this fact the tone of these assertions lead to the stigmatization of these refugees as simply opportunists when some of them, under different regional and political circumstances, would be considered 1951 convention refugees. As Obi and Crisp conclude in their 2001 evaluation of the implementation of the 1997 policy “in practice, the application of this policy has had some perverse and inequitable consequences” (6). When those who are in charge of “protecting” refugees worldwide set this kind of tone in their

policy and which trickles down into the local offices, why should the host country which is already under massive socioeconomic and political pressures take a stance any more positive than UNHCR?

Defining the Deserving of Urban Spaces: Irregular Movers and the Legitimate Urban Caseload

1) Irregular Movers:

“An irregular mover is a refugee/asylum seeker who leaves a country where he/she has found or could have found and enjoyed basic protection, to seek asylum in another country, unless doing so for compelling reasons. Such compelling reasons include a threat to physical security of self or accompanying close family members, or family reunion with immediate family members who are not themselves irregular movers in the current country” (UNHCR 1997, 3)

There are some obvious definitional issues with the term irregular movers.

One that clearly needs clarification is of what constitutes “compelling reasons” to move to urban areas. Considering the status of camps and their state of insecurity, a “threat to physical security” would be a compelling reason to leave camps for most residing there. Generally many refugees are wrongly labeled as “irregular movers” for this reason, the purpose of the movement is not considered “compelling” enough. Once labeled as an “irregular mover” because your reasons for movement are not compelling, one is never able to change their UNHCR status. The consequences are that these refugees are unable to receive assistance in any form whether it may be cash or education and the option of resettlement is no longer available (UNHCR 1997, 4). If possible, UNHCR will send the refugee back to the country of first asylum and will withhold any form of assistance other than protection from refoulement (UNHCR 1997, 28, 37).

2) Urban Refugees: Limited “Legitimate” Urban Caseload

“For the purpose of being considered for assistance in an urban area, an urban refugee/asylum seeker is a person of urban background in the country of origin and who is neither an irregular mover, nor a part of a prima facie caseload, and, if of rural

background, for whom in the country of asylum the option of rural settlement which offers an opportunity for self-sufficiency does not exist” (UNHCR 1997, 45)

“If rural refugees were, in the 1970’s, ‘what the eye did not see’, today refugees in many of the African urban centers are what the eye ‘refuses to see’” (Kibreab 1996)

The metaphor of being seen or unseen is used quite a bit in the literature on refugees in urban settings. Pirouet, on the one hand, stated in his study of Nairobi that seeing urban refugees is what constituted the problem because they could be targeted and an effort must be made to block access to services (1979). Kibreab, on the other hand, says that rural refugees were the ones who are not seen because they are out of sight but people actively refuse to see urban refugees indicating that this takes effort and is a conscious decision to ignore.

UNHCR has no agreed upon definition and can vary from region to region and even between staff members in a regional office (UNHCR 1997, 43). “Without a clear definition of what constitutes an urban refugee, it is difficult to develop effective policies and practices aimed at addressing their needs” (Campbell 2006, 400). These definitions lead to particular entitlements that can be extended or withheld in this context rather arbitrarily. The definitions include a refugee who is originally from an urban area, a rural refugee who has come to the urban area (legally and illegally, from rural settings in home country or from rural camps), refugees “of concern” in urban areas and at times can even include refugees who are not “of concern” to UNHCR (UNHCR 1997, 43-45). The urban caseload that is not considered “legitimate” may be considered “irregular”. These individuals are seen by the UNHCR as people who are looking for “something ‘better’” (UNHCR 1997, 44).

UNHCR also indicates that those refugees in urban areas that are not in need of assistance are in fact not considered urban refugees (UNHCR 1997, 7). In other words, refugee and dependence on financial or other assistance are one in the same

and can not be separated. Even if one passes through the obstacle course of limitations of how and when one can legitimately be in an urban area, once one is considered a “legitimate” urban refugee, they would only be entitled to very limited, short term assistance under the 1997 policy (UNHCR 1997, 47). Even after proving to UNHCR that you “deserve” to live in an urban area, policy aimed at creating a push factor from urban areas still end up applying to these refugees in perceived need.

One interesting assumption made was that refugees should stay as close as possible to country of origin and community of origin and in linguistically/culturally/or religiously similar environments (UNHCR 1997, 15). The assumption that refugees would be better off in camps is partly based upon the fact that they would be considered inappropriate in the urban setting. The refugee population would encroach upon the urban landscape, not only draining its resources but also take away from the image of the modern city that was in creation at the time (Grabska 2006). Only urbanites deserve the access to the urban, to the city. The general rural to urban migration movement was not considered by UNHCR and their policy. Buscher concludes that discrimination between the position of urban and camp based refugees is a consequence of an ignorance to trends of rural to urban migration that are already affecting urban centers worldwide and he states that there is a misconception if refugees would be seen as outside of this larger process (2003).

UNHCR has a mandate to protect refugees and ensure that they have access to a durable solution (UNHCR 1997, 49 a). In urban areas in which, for example, reservations are made to the convention on the right to work, it is understandable that urban refugees would be in need of financial assistance. The scaling back of assistance is contradictory to the fact that assistance has been acknowledged by UNHCR as being part of their vision of protection (Parker 2002).

“Assistance will be provided, if needed, on the assumption that the individual concerned already has the necessary profile and skills to successfully integrate in an urban setting. In principle those who lack such profile and skills would be excluded from this kind of assistance in an urban area. Where individuals prove unable to achieve self-sufficiency in the urban environment, consideration should be given to transferring them to a rural camp or settlement in the same country, where there is a UNHCR program” (UNHCR 1997, 49 f-g).

If one has the necessary “profile and skills”, in other words, if the refugee embodies the image of the “urban” then UNHCR will assist the refugee. The contradiction here is that UNHCR already stated that only those refugees who are in need of assistance will be called urban refugees and if one has the profile and skills already to be self reliant in an urban setting that they would not be considered to be an urban. Those who don’t receive assistance because they do not fit the urban profile, become the negative image of the refugee about to become dependant on UNHCR aid. When the idea is perpetuated that refugees are economically motivated it undermines the validity of the claims of those who are seeking refuge from persecution and makes their task finding a durable solution and of having good relations with the host country more difficult (Landau 2004). Why is dependency ok in a rural or camp environment, and self-reliance is so forcefully imposed on those in urban settings, as Obi and Crisp have previously asked in their case study evaluation of New Delhi (Obi and Crisp 2000, Obi and Crisp 2001). The tone and approach is that most of the caseload that is in Cairo should not even be there and UNHCR’s attitude and response adjusts accordingly. If UNHCR has this attitude, then the state has justification for its actions in the eye of the international community.

Essentialized Categories: Women and Violence

The section on women in the policy “Focus on Women” simply states that they should be targeted for income generation activities because they are better at returning loans and are more “family-oriented” so would spend more wisely

(UNHCR 1997, 59). There is no mention of special protection against sexual exploitation, trafficking, forced prostitution, sexual and gender based violence. So not only does UNHCR make grand assumptions about female refugees based on a gendered construction of them, the “comprehensive” policy does not mention anything about their protection. Men too may be single heads of households or have experienced sexual violence leading to psychosocial as well as physical problems hindering the chances of pursuing a livelihood. Out of a document that is over 30 pages, we get a specific section on gender that is no longer than a paragraph.

The section titled “Violence” on the other hand goes into much more detail and makes mention of exactly what to do with the refugees that are the subject matter of this section. This section only mentions one kind of violence; violence which is perpetrated by refugees, not against them. Again we can extrapolate assumptions not only from what is mentioned, but what is not, namely violence against refugees in urban areas. Refugees are seen as the perpetrators of insecurity and not the victims of it (UNHCR 2006, Addressing Refugee Security). The general theme is that refugees who come to urban settings (illegitimate urban refugees and irregular movers) get frustrated and aggressive because they have not found that they are receiving a better standard of assistance or are not resettled. They are believed to have unrealistic expectations, that are bitterly left unfulfilled. “Irregular movers are often among the most vehement of protesters, although rejected cases, those refused assistance, as well as the psychologically disturbed might all, at times, prove violent and dangerous to themselves or staff” (UNHCR 1997, 69).

UNHCR claims that “giving into violent forms of protest does not pay” but simultaneously that if the protest brings attention to “legitimate” concerns to UNHCR that they must step in. If these concerns are deemed illegitimate, UNHCR has no

responsibility to intervene. The course of action though is to simply call the local authorities, whether or not they may have a history of torturing and abusing detainees or are well known for using unnecessary force (UNHCR 1997, 69-70). UNHCR sees violent protest as “an inevitable phase in the establishment of a new policy” (UNHCR 1997, 71). Again the question arises, what is of legitimate concern to UNHCR?

In 1995 the Mohamed Mahmoud protest was an event that embodied the section on violence and followed the assumptions and procedures to the letter. It was assumed they were mostly not of concern to UNHCR, that their demands were unrealistic and that UNHCR was not responsible for them (FMRS 2006). Regardless of the way that the protestors did not fit into the negative and menacing image that the UNHCR policy paints of refugees, the steps that were taken were those spelled out in the policy; the Egyptian authorities were called and the refugees were forcibly removed. The kind of violence that was perpetrated against the refugees in this context has no place in the policy. UNHCR denies the claims made by the Egyptian government that they had been asked by UNHCR to remove the refugees (FMRS 2006). This issue is still contested. The brutal manner in which the refugees were collected and then later on released should be of legitimate concern to UNHCR, regardless of the ability of UNHCR to satisfy each single demand made upon them. Other than the violent extraction from the mosque area, the violations that are commonly noted to happen in Egyptian police station such as disparate forms of torture and sexual and gender based violence, upon release, the refugees were separated from their families and friends and dispersed in groups of two and three individuals at a time around Cairo, mostly without money to return home or even clothing on their backs areas around Cairo (FMRS 2006). For months later various institutions attempted to carry out family and friend reunification programs.

Protection, Responsibility, Outcomes

Protection defined by this policy refers to the form of basic protection; one is nonrefoulment (not being returned to country of origin where one faced persecution) and detention by the state for recognized 1951 convention refugees. Since 1997 and the release of the policy the numbers of refugees have increased instead of decreased, sadly emphasizing the failure of the policy (Obi and Crisp 2001, Sperl 2001). As the general numbers of the urban population raised so did the numbers of refugees while trying to “prove” their right to be in the city (UNHCR 2006, Safeguarding Asylum). While examining the destitute living conditions and lack of access to rights, these refugees in urban settings symbolize the failures of UNHCR in terms of facilitating means of becoming self reliant and most evident in the lack of protection for refugees in urban settings. While UNHCR implemented the limiting of assistance, they did not adequately lobby to local governments for refugee rights (Kagan 2006). At the same time, the consequences of the policy led to an increase in “irregular” movements (Obi and Crisp 2000). Refugees still pour into urban centers regardless of the hardships.

Whether it's Cairo, Kampala, Nairobi, Johannesburg, Khartoum, Moscow, or New Delhi the urban setting and situation is portrayed similarly. Lack of access to durable solutions, lack of access to housing, inability to access services such as health care, random arrests and detention, a long unassisted wait while living illegally until the refugee status determination interview, lack of access to residency and working permits, being made a scapegoat for many social ills, lack of ability to attain justice, exploitation and discrimination xenophobia, racism, ignorance, and a general inability access rights and services is what characterizes the modern experience of being a refugee in an urban setting (Jacobsen 2006, Landau 2006, Campbell 2006, Furley, Obi, and Crisp 2002, Parker 2002, Sperl 2001, Obi and Crisp 2000, Obi and

Crisp 2001, UNHCR 2006 Safeguarding Asylum). The insecurity faced in urban settings is an obstacle to attaining a sustainable livelihood and creates a general sense of fear and psychosocial distress which limits the freedom of movement within the city (Grabska 2006, Furley, Obi, and Crisp 2002).

In this aspect the policy intensified already existing protection issues for urban refugees but also created another effect; UNHCR's relationship to refugees has become a relationship characterized by tension, dissatisfaction, lack of communication, and conflict. The limits imposed by host governments and the reservations they have made to the convention have compounded the effect of the decrease in assistance and put refugees in a state of insecurity, financially and physically (Grabska 2006, Sperl 2001, Obi and Crisp 2001). The policy should have taken into consideration the political climate that is present in the urban centers in which refugees tend to gravitate to (Obi and Crisp 2000). The policy takes for granted that the state is fulfilling its obligations to the convention and protocol by the letter because if they do not make this assumption, they foresee their role having responsibilities they are not responsible for burdening them. In camps they can assist because the emergency situation is more crucial and the population of concern is much more easily regulated. But in this policy's perspective, assisting creates a pull factor to cities, making their job much harder. UNHCR feel that to provide assistance in this case would be "an impediment to UNHCR's broader protection objectives" (UNHCR 1997, 47). In Cairo, as well as other cities, as long as there is RSD there will be refugees coming to live in the urban centers, regardless of the hardships and regardless of the slim chances of reaching a durable solution (Jacobsen 2006).

September 2009: Urban Refugees as a Globally Accepted Phenomenon

This text is much more rights based, positive, and forward looking. The introduction describes how now refugees are part of the urbanization process and the way in which statistics have drawn out the urban camp divide in numbers, urban refugees are no longer seen as needing a disproportionate amount of funds. UNHCR states that there should be no discrimination between the treatment and assistance refugees in camps get as opposed to urban areas. Urban space all of a sudden becomes a legitimate space for refugees to reside and have access to all of the rights that the convention has drawn out. There is no limitation now on who, in what particular conditions, can access urban space. Regardless of background, regardless of ability to rely on one's self, and regardless whether you are or are not an irregular mover, each individual of concern to UNHCR should have access to protection and durable solutions. If no durable solution is available, meeting material needs will be a high priority, not one denied to deter people from urban settings.

The entire tone and attitude has shifted from one of blame to one of recognition. There is an emphasis on state participation as well as UNHCR partnerships. The 2009 document contains most of what advocates have wanted to hear for as long as one can remember but they note this ideal can not be reached by UNHCR alone. Addressing the issue of responsibility here is very different than in the 1997 policy. Now UNHCR states that it is all of our responsibility to achieve this goal. In the end, since UNHCR takes responsibility for monitoring and advocating to the state on behalf of refugees, UNHCR creates a space in which they are, in the end, the ones responsible. They are not responsible for providing the services themselves, like providing medical or psychosocial care, but they are responsible for making sure refugees have access to all of their proposed rights in the urban setting. Even resettlement, which has never been constituted as a right in international law, now has

a space in which UNHCR validates it as a durable solution that should be explored and used more widely.

The fact that creative and new ways of finding durable solutions exist shows that what was previously unthinkable to UNHCR is now open to debate and re-interpretation. Establishing new partnerships, including communities in debates and interventions, capacity building of already existing local structures and services, creating accountability mechanisms to deal with corruption and unethical behavior, assisting in local documentation, and an elaboration and expansion of the meaning of protection are some of proposed solutions. It is important to note that while “protection” is used in many UNHCR documents it has never been properly defined but within this policy protection’s edges can be defined, namely through human and refugee rights. Protection space is not controlled by UNHCR but by the relationship between all parties who should be involved in refugee protections including states, NGO’s, and various other organizations within the UN and outside of the UN. This space is not parallel to or outside of urban space, it is dispersed within it. It is here, in the city, that now a rights space and place can be located.

UNHCR openly criticized its RSD procedures, communication strategies with refugees, the way in which they have portrayed refugees in a negative light, the way implementation of policy was carried out, the negative attitude and approach of employees due to burnout, the inaccessibility of UNHCR in local urban branches, the fact that corruption and unethical behaviors occurred within all strata in their offices. It seems as if UNHCR has been reviewing their own policy, their own policy and evaluation unit reports, reports by human rights groups, as well as academic sources, expressing at times explicitly and at others implicitly, the sources they used to derive

their opinions. Reading article 160 before article 159 is an interesting way to switch from praise to criticism, especially because they pertain to the same issue.

160. The implementation and impact of the new UNHCR policy will be reviewed and revised as appropriate, in close collaboration with other actors who have a substantive role to play in expanding the protection space available to refugees in urban areas.

159. UNHCR wishes to thank the many people who have contributed to the formulation of this policy statement, especially staff members in the field and the NGO community. Their contribution has been invaluable. (UNHCR 2009)

Although many aspects of the 2009 release can be said to turn the discourse into something more positive, implementation is another issue. Also, as I will examine later, there are essential concepts that have been inherited by the 2009 policy that ensure that the findings and processes that have been identified throughout this research are left untouched. However protection space is a much more positive term than vulnerability context, this does not mean that protection space for women in Cairo will change as a result of the new policy. Also, as mentioned before, many women do not see change as a possibility within the context of UNHCR and are very critical, as they should be. In the end what needs to be ascertained is, can the global discourse of policy become integrated into the vernacular and practice of local contexts? In what ways? To whose benefit? And, what do the actual subjects of the policy constitute as change?

Chapter 3:

“Spatializing Justice: Regimes of Law and the State of Movement”

Human movement outside of or not organized by the state, then, is rendered a threat to the human rather than a concern of the human. (Franke 2008, 269)

Gloria Steinem: Law and justice are not always the same. When they aren't, destroying the law may be the first step toward changing it.

Webit: How would I think about justice and change? I am a refugee.

Anatole France: Justice is the means by which established injustices are sanctioned

Sally: Justice is rights. WE don't have any rights, no rights at all. No one respects your human rights. We live by the power of God and only God protects us.

The Convolutions of Space

Space is a difficult thing to write, and to write about. One may say that visual images may assist in this process, photographs, maps, tables, documentary films, and the like, but one can not necessary “see” space in the context of justice and movement or as the many women I have talked to see it. The chaos and injustice, the mapping of players and the ways in which power flows, these are all issues that are hard to portray in words. Some visual images also lead to what many have called the pornography of violence and I believe this happens too often in asylum seeker and refugee producing conflicts before during and after flight. The sensory experience comes at quite a cost and the politics of representation in this way will not allow me to express much in a visual sense.

Boundaries are always fluid but you can not say where and when they begin, you can only say that these boundaries of time or space are recognized to objectively

lie here or there at a particular delineated time. Chronologically the can be recounted in terms of key events. Space can be thought of in terms of concrete locatable places, such as states, cities, borders, buildings, distance. But space is also something one can think and imagine, and these thoughts, associations, feelings, and perceptions are not bound within concrete locatable spaces, although they may be associated with them.

“If space is a product, our knowledge of it must be expected to reproduce and expound the process of production... The past leaves its traces; time has its own script. Yet this space is always, now and formerly, a *present* space, given as an immediate whole, complete with its associations and connections in their actuality. Thus production process and product present themselves as two inseparable aspects, not as two separable ideas” (Lefebvre 1991, 36).

Spatial practices enacted by those inhabiting a place leave marks within that particular space. Then we endeavor to conceptualize and represent these spaces through our descriptions and narratives, trying to make the mess of social reality become thinkable and fathomable, trying to deconstruct the intricacies and smooth out the convolutions and complications. Representations of spaces are contested just as contestations occur within those spaces.

In a discussion that involves conceptualizing justice for asylum seekers and refugees, one must take into consideration the global forces at work as well as the local ones in the context of country of origin and host state. Lefebvre states that, “... what we call ideology only achieves consistency by intervening in social space and in its production, and by thus taking on body therein. Ideology per se might be well said to consist primarily in a discourse on social space” (Lefebvre 1991, 44). These spaces whether concrete or abstract, global or on the margins, are always indicators of the social and political processes of its constitution. Who has access to this space? Who belongs to it? Who is marginalized from it? What are the different conceptions of this space? Is it productive, destructive, conducive, restrictive? Which ideology is most

apparent within this space and what are the resistances we can identify? These are all questions that complicate space, boundaries, and subjectivities of those within these concrete or abstract spaces.

The Convolutions of Justice

55: "What is justice to me? Wow, justice... That is a very hard question. You are asking very hard questions! What is justice? I really have nothing to say, I don't know what it is. I do know what it is not because I live that everyday..."

What is justice for you Sandra?

Sandra: "I am not sure if I can give you the exact definition of justice because I've hardly experienced justice in my life. I left my country because there wasn't justice and now I am in Egypt facing even more injustice."

Christine: "I can define justice in my own way but that remains ideal because it never happens in the actual world especially in Cairo. You don't even think of this subject at all you just pray to live for the next day because you never know what might happen to you in the next few hours..."

Sandra: "... I want to be clear here I didn't mean you just get abused because abuse is very normal here. If there was a day I didn't get abused it must be that I spent that day in my house or employers house. We're convinced that abuse is part of our daily routine just like every day you get up in the morning and go to bath room with out even having a slight thought of it."

Group Interview with Sandra and Christine

Even though justice is an elusive and slippery construct, it is a construct that is sought out vehemently. Various actors assay diverse notions of what justice should constitute and competing notions of justice exist in any given situation. Justice can mean different things to the same actor when they realize what the practice of accessing it, or the lack of access to it, and making claims to it means. Also, in a new context, or in a new space and place, such as in the context of being a "refugee", conceptions of justice and injustice may shift and evolve. When I ask women about their perceptions of justice, it seems to confound them. I have been saying the word, writing the word, reading its theories, asking people what it means to them, discussing the processes involved in losing or attaining justice, and if anything has happened it has become a term that I increasingly view as fluid, multiple, and

contested even in the mind of a single individual. In-justice seems to be much easier to identify and to understand.

All thought of justice and politics must, of course, pass through thought. How could it be otherwise? We think justice in the way that we do because of the various forms through which it is established and distributed. We also think justice in the way that we do because of the way that we think. The thought of another Justice is necessarily dependent therefore upon a way of thinking other than that which has historically come to govern our diverse onto-theological traditions of justice. (Dillon 1999, 158)

Modern conceptions of what is just is attributed to and encoded within “law” and “rights”. Even though there can be disparate visions of what is just, there can only be one encoded version of law. As Menon writes, “at particular historical moments and in different spatial contexts, ‘justice’ is constituted by specific moral visions, but the discourse of law is predicated upon the assumption that justice can be attained once and for all by the fixing of identity and meaning” (2004, 27). National and international law alike, function within the realm of simplifying ambiguity, much like policy, for the structure of law purports it to be a guideline on the just. Revisions to law and the just are possible but are constricted by particular political contexts and generally, the just is defined by the hegemonic view of right and wrong. People who flee their countries due to persecution and injustice, were not part of the moral community that defined the just in the vision of the state and or community. Then people who were forced to move come to another space and place where the idea of the just has nothing to do with their conceptions, and they do not have a say in the laws and regulations they live by. This is assuming that the citizens should have the “right” to define the “just” as encoded by law. An example of this is the reservation Egypt made to personal status law; refugees and asylum seekers are not able to live under their own visions of law but must adhere to the host state’s vision of personal status, in this case Egypt, regardless if it contradicts with their own visions. There are

many efforts by Egyptian citizens themselves to amend many sections of the law and personal status law is one of the most highly contested.

“These values have assumed the status of natural presuppositions and the violence of the moment of their imposition has been rendered invisible through a kind of historical amnesia. To interrogate points of origin constantly, to question the grounds of the norms which underline notions of justice and story least specific moments, is not to surrender an interest in justice. On the contrary, it hyperbolically raises the stakes of exacting justice. The notion of "universality" only obscures the power dynamics by which some values are assigned greater status and others are marginalized and silent (Menon 2004, 27, 46)

The dominant systems of justice are local and national law on the state level, but on the global level justice is now constituted through the international human rights law framework, and for refugees and asylum seekers, its associated sister, international refugee law. These are the main regimes by which justice, and in this case justice as rights, can be attained. Both of these justice systems are global in scale and reach, as are their abuses. As Menon mentions above, the “universality” of rights only further excludes personal visions of justice, and in the case of people who have moved, they are even less entitled to dictate or participate in the rules, laws, and policies that influence their life on a daily basis. The state, although also an elusive and dangerously used keyword, is an arbiter of justice that many think is easier to identify than those of more global systems of justice, the “international community”. So who is responsible for the allocation of justice? It is unclear who the dispenser of rights within the international community is, even though if one may ask those involved, their answer might make a clear argument for the responsibility going to the other parties involved. And the realm of responsibility becomes allocated and reallocated, assigned, negotiated, and reassigned, flowing through time and space and boundaries. In the following section, I attempt to draw a possible vision through the convolutions of space and justice, although the attempt will always be an incomplete one.

The Inevitable Culprit: The State as Space, Place, and Arbiter of Law and Justice

“The term state is, of course, used in a number of different discourses. These include [but are not exhausted by] the discourse of sovereign states...facing one another in war and peace; the discourse of state governance [in the regulation of behavior, the acquisition and distribution of resources, the care of populations, the maximization of security]; and the discourse of state politics [the struggle to establish a nation-state; competition over policy]. Such discourses invoke languages of law, of justice, a *raison d'état*, a benefit - languages that define and redefine the foundations of sovereignty and obligations of obedience, the criteria of citizenship and nationality, the rights of self-defense and punishment. The boundaries of ‘the state’ vary accordingly, as does its internal morphology: the different ways of determining membership and inclusion, inside and outside, the law and the exception.” (Asad 2004, 280)

The state is another keyword that has been a subject to debate. What is the state, where is the state, how does the state work? Again, this keyword has two genres of meaning, one being a *condition*, the other being a *spatial* and *political* concept. At times, the state is embodied in a physical location/territory with particular boundaries, such as particular buildings or compounds. Another way of looking at the state is by identifying particular individuals that embody the government as well as their actions and rhetoric. Politics, law, government, citizenship, sovereignty, territory; all of these keywords are associated with the state. Identifying the significance of the constructed boundaries of the state in terms of justice and movement will further interrogate the use of this keyword.

“Where is the state?... When we look for it, it melts away. We see only its effects, never ‘it’, and those only as they are incarcerated in human action. The state has two bodies. One is the individual who carries out the deeds of the state -- as soldier, bureaucrats, representative -- through everyday, ordinary actions. The other is the body politic that transcends the flesh into the larger social forms of incorporation.” (Nelson 2004, 137)

States are conceived of in general as bounded entities, the limits of the state being defined by identifiable borders. States recognize and debate over borders because of the primary focus on sovereignty; the fact that what one decides to do within the boundaries of this enclosed entity should be decided by the state, without

external influence. National law is conceptualized as being within the space and place of the state, whose boundaries are assumed to be clearly defined and within this space one can make claims to justice and law. Citizens are those who are eligible to make these claims and the arbiter of justice is the sovereign state. National law comes in as the more concretely spatially defined form of accessing justice, the space in which human rights law and international refugee law become realized, or, left unrealized, because in the end of the day the sovereign state space is the place where claims can be made.

Citizenship is a highly contested issue even though there are clear legal terms to define inclusion or exclusion of becoming the citizen of a sovereign state. In reality, and in day to day lived experience, the contours of citizenship are becoming more permeable. “Often talked about as a single concept and experience as a unitary institution, citizenship actually describes a number of discrete but related aspects in the relation between the individual and the polity” (Sassen 2004, 184). Sassen argues in her piece “The Repositioning of Citizenship and Alienage: Emergent Subjects and Spaces for Politics”, that citizenship has been defined within the bounds of history as a particular “tightly packaged bundle of what were in fact often rather diverse elements” (177, 2004). Two main processes are un-packing these notions of citizenship, one being the influence of globalization as well as related processes, and the other which is of more relevance and utility in this context, is that “citizenship is partly produced by the practices of the excluded” (186).

Citizenship is not just a legal status in this case, but an “enabling condition” (Sassen 2006, 178), and that the daily practices and participation within the bounds of the state create new forms of citizenship and destabilize the previously fixed view of citizenship as only a legal status. Sassen is writing about undocumented immigrants,

but her thesis can be applied to asylum seekers and refugees in Cairo, as well as the many others who are marginalized from claiming citizenship as an enabling condition. “Undocumented immigrants who are long-term residents engage in practices that are the same as those of formally defined citizens in the routines of daily life; this produces an informal social contract between these undocumented immigrants and the community” (Sassen 2006, 178). These are the “unauthorized yet recognized” citizens who actively make claims to space and have a presence, in this case within the city. There are others who are “authorized yet unrecognized” which are the “citizens” of the state in a legal form but are unable to make claims according to this status. This, according to Sassen, destabilizes the once thought “unitary institution” and “through their destabilizing effects, these dynamics are producing operational and rhetorical openings for the emergence of new types of political subjects and new spatialities for politics” (2006, 188).

Joppke, in a response to Sassen, negates, unpersuasively, that the improved status of immigrants has anything to do with their own agency, and states that Sassen’s piece only makes sense if you clarify between citizenship as a social practice and citizenship as nationality or legal status (204, 207). Joppke is arguing that one can separate laws and the everyday practices of people into two disparate and finite poles, and that formal status should be prioritized over informal status. But citizens, whether authorized or unauthorized, are the ones who perform social practices and make claims to justice and rights in the everyday. The two cannot be separated and that is Sassen’s argument, that the social practices of the marginalized and unrecognized are destabilizing this exact view of citizenship. In Cairo there are various groups of people, with or without citizenship, with or without refugee status, and their social practices and actions leave imprints of the urban city landscape. Sassen argues that

even though these informal practices and statuses may never be legitimized in a formal manner, that nonetheless they exist and develop and question existing ideologies.

This can be exemplified by the fact that citizenship within the state and a formal legal status was a common mention by every one of my informants.

Emenete: Last time I got a job through brokers and I started to work for a woman. The woman forgot where she put her money and ordered me to take off my clothes and I stood naked right in front of her. She checked all my body even my underwear. If I had rights or the government knows I am legal, I wouldn't have let her to do that to me.

Many other women on the other hand, don't put much faith into the differential categories of being a recognized refugee with legal status or not. Also, Emenete stated that she wouldn't have let her employer do that to her, she did not say if I was legal I would be able to go to the police and get justice. She recognizes that legality is not only in paper but she also realizes that for her own sense of self, it means something to her to be legal. Even though it has been found on more than one occasion and has been realized by the "unrecognized" populations in Cairo, that legal status actually does not make that much of a difference, if any, in their day to day lives, they all still desire it, to be recognized by the state and by UNHCR.

Do you think the situation would be different for you Sandra because you have refugee status?

Sandra: No, not at all you have the blue card means doesn't mean you're safe from the day to day danger which has casted a shadow before you. The blue card may help me not to get deported to my country by the state security but I still have the same experience like any other woman. I may go to UNHCR and I may be told to write a letter which explains what happened to me and put it in the box where no one even considers a moment to read it.

Webet: No one knows whether I have blue card yellow card or any identity unless I stick it on my chest to be seen by people. But they still abuse me. I don't have any difference from some one who doesn't have blue card. Any attack they experience, I do too. But the only difference comes after the trouble occurred. Some one who has blue have some where to report. The other who doesn't have it has no where to report. I may have the courage to go and report because of my blue card but people

believe different. UN gives us just papers to fill in they don't assign police to protect us. Whatever they do it doesn't replace what you've lost.

Emenete: There are even people who get detained having residence permit. You're a prisoner of your mind any time at any place.

The narratives above all address the fact that fear and are and are not dependant on legal status. The form of justice they get if they are legal is the equivalent to the bureaucratic processes of UNHCR and the state. These women do not conceptualize this “paperwork” as justice. They do not feel a sense of justice, do not feel any safer, and do not expect anything to be better next time. Regardless of all of this, because of the state and the state of justice, being “legal” is still fought for with all available resources, even if just to get something from the system.

55: We are illegal. You know it feels so bad. I want something to say that I can be here, even if it just a piece of paper that nobody cares about. Even if there is no difference, at least, in my psychology I will feel better. I will feel safer. We will have the right to be here.

55 lives and works in Cairo as a domestic worker. She is not naïve or optimistic in what legal residence will achieve for her. But not having this form of acknowledgement is worse than having it and it being of no utility at all. She also stated,

55: I know here there is a lot of violence against Egyptians and women. I know it is not only us (meaning refugee women and asylum seekers). I read horrible things in the newspaper and see bad things in the street. But still when it happens to us we don't have anywhere to go, anyone to go to so we can get justice. Nobody writes about us in the newspapers.”

The discourse of rights, law, justice, citizenship, and the state is very clear in her answer, in everyone's demand for formal acknowledgement of status. The irony is that the same structure and legal vision of citizenship is what created their “refugeeness” in the first place. Whether the keywords and the enigma of the state want to create categories of exclusion, and even if the claim to justice is to be back within these structures of violence, whether an asylum seeker or refugee has legal

status or not, they are citizens of the space within which they reside in a Sassenian view.

All of the legal discussion aside, these women have social networks, relationships with Egyptians and many others in their communities; they are part of the local economy and workforce, participating within the boundaries of the state. They are renting apartments, learning the language, using the public transportation, walking in the city's urban streets. Many who are "illegal" find ways to ensure a livelihood and find strategies to utilize in their day to day life to cope with and avoid violence and discrimination. These women are present, and are agents of transformation, how can their practices be ignored? How can their practices be said to have nothing to do with their own agency and participation within the communities they live in? Citizenship is a legal status and a social practice, it is an enabling condition or a disabling condition, depending. Citizenship is many things but what it is not is a unitary and exclusively legal status.

We maintain our attempts to simplify citizenship into a legal status and simplify the state to identifiable borders to be able to target an entity to make claims to, but both of these concepts are fluid. When do we see or feel the presence of the state? Not only in the buildings or when trying to cross borders, not only when we see police or state officials. As Trouillot writes,

"Though linked to a number of apparatuses not all of which may be governmental, the state is not an apparatus but a set of processes. It is not necessarily bound by any institution, nor can any institution fully encapsulate it. At that level, its materiality resides much less in institutions than in the reworking of processes and relations of power so as to create new spaces for the deployment of power" (2001, 127).

The fact that the state is not only a concrete physical presence, but also a set of processes makes the state even more elusive. We feel the presence of the state in the

everyday, regardless of whether the bodies that enact the will of the state are present or not. At times, especially in times of “exception” (which Egypt has been in for almost 30 years), the law, the state and state power and regulation, are felt to be unpredictable. As Das describes in her piece “The Signature of the State: The Paradox of Illegibility”:

"As a rational entity, the state is present in the structure of rules and regulations embodied in the law, as well as in the traditions for its implementation... I do not regard the law as a sign of the severity of the state or as an institution through which disciplinary regimes are put into place. Rather, I approach the law here as a sign of a distant but overwhelming power brought into the framework of the everyday life by the representation and performance of its rules in those of rumor, gossip, mockery, and the mythic representation and also as a resource for seeking certain rights although a resource whose use is fraught with uncertainty and danger. Apart from instituting other modes of action in which states recognize one another, the state also acquires a different kind of presence, which I call magical, and the life of communities through these local practices... I prefer to speak of the magic of the state rather than the fictions of the state. And it is here that I find myself proposing the idea of signature, tied as it is to the writing technologies at the state, may be useful in capturing the double aspect of the state." (Das 2004 page 225)

The state here leaves its “signature” in everyday life through various social processes and attains an otherworldly presence that can not necessarily be tied down to law, to events, but through processes much more intricate as Das describes. In Cairo, this sense is described by citizens and asylum seekers and refugees alike. The sense that the state is everywhere, some ephemeral presence, coming and going as it pleases. Many religious asylum seeking and refugee women I have spoken to have compared the way they feel the state as present in their lives, the same way that they feel Jesus and God are present in their lives.

55: The state knows everything. They are everywhere. If there are no police, none of those scary uniformed men, normal Egyptians take the role of policing us, making us want to stay in the house all day. I feel a good presence and a bad presence all of the time, the good one is Jesus all around me and the bad one is the state. I pray to one to protect me from the other.

If the state has no institutional or geographical fixity, its presence becomes more deceptive than otherwise thought, and we need to theorize the state beyond the empirically obvious. Is the state a "concrete-concrete," something "out there?" Or is it a concept necessary to understand something out there? Or, again, is it an ideology

that helps to mask something *else* out there, a symbolic shield for power, as it were? (Trouillot 126)

The metanarrative of chaos as described previously concerning Cairo, is also juxtaposed by one of order, which is common when describing the state. As Das states, there are paradoxes of illegibility because of its dual nature of being rational and magical. The violence and power of the state, whether tangibly attributed to the state or to its magical counterparts, are very hard to examine and discern and "we need to shift our gaze from the obvious places where power is expected to reside to the margins and recesses of everyday life, where such infelicities become observable" (Das 2004, 227). This is an important factor in examining the Cairo context of violence and power. One cannot predict when or where and by whom violence may occur; all one knows is that it is unpredictable. It is a common narrative that women do not feel safe in the streets and that asylum seeking and refugee women feel insecure constantly. Regardless of the paradoxes of the state, and the fear that the state can evoke through its chaotic or regulatory practices, it is still our primary tool for defining space and rights.

The Conundrum of Human Rights: Universality Enplaced within the Boundaries of the State

"Our conception of rights arose in a specific time and space configuration, the way we think of rights now is new, related to the history of the state, becoming an individual was empowering and then became alienating" (Menon 2004 Page 28).

"Whether it is the state or some other form of social or political site that is employed to provide a human geography of rights, as long as the human subject of rights is framed as one who may lay claim to his or her rights and freedoms from standing in a certain space, there will always be those against whom and whose movements that space is itself erected. The territorialization of rights claims privileges one or more fixed or contained human ideal over the ephemerality of human movement and those caught within conditions of change on the outside." (Franke 2008 277)

What happens when the "magic" of the state shows itself to be detrimental and the state, once viewed as the all powerful arbiter of justice, law and order,

becomes the perpetrator against its own citizens or blatantly allows the persecution of a group by another? Of course the view of the state has been varied; simultaneously one to be feared and also one to make claims upon when afraid. At this point, international human rights come in, whose existence actually is present as a contradiction to sovereignty. Human rights are aimed at being universal, a unified vision of the just for every individual. Of course, as history shows us, sovereignty is not always broken down for the just cause of human rights and there are ulterior motives involved for the state or states that decide to intervene in the affairs of another sovereign state. Many occasions have led to the great violence under the name of attaining the noble goal of creating a space for human rights in places of the world which seem barren of rights to the universal eye.

The irony here is that when one can be considered the citizen subject of a sovereign state, and suffers human rights abuses that are tantamount to persecution, one is relegated outside of the sphere of human rights law if one moves, particularly if one moves over borders. Internally displaced persons continue to move within the perceived boundaries of the state although; this movement indicates that the space and place of justice is not clearly defined by state boundaries. “The rights of human beings, as humans, are framed in terms of being in or having access to a site of rights” (Franke 2008, 265). These sites of rights, they are spaces and places within spaces and places that justice and injustice can be conceptualized and lived out in the everyday. Human rights as justice is, or fails to be, dispensed from the space of the state. Even if non state actors are involved in the process of influencing or interacting with a given predicament, there still needs to be a site, and every site is said to fall within the bounds of a state making claims to justice difficult if movement is involved.

“The modern international human rights regime functions in terms of a spatial sense, one that cannot accommodate displaced persons but, rather, that must displace them to sites deemed outside the normal reach of rights. The human in human rights remains locked within the notion of located citizenship... It does not and cannot include the person who moves” (Franke 263, 277 2008).

Human rights and national laws are abused consistently. One moves after human rights abuses and is no longer within the space and place of justice and the state, compounding issues of injustice. Human rights are rights that are accessible if one embodies the subjectivity of the citizen subject. But what happens when one is no longer residing within the borders of the state and is no longer considered its citizen? What does justice look like for the displaced and refugees, and upon which entity can they demand and actualize their claims? The displaced, as well as the emplaced, have suffered, and continue to suffer, grave injustice and persecution during conflict. The refugee and asylum seeker cross borders, which relegates them to the responsibility of the “international community”, leaving the internally displaced and on the move stuck in the space and place of injustice. Most of the time the atrocities suffered in the state of origin is only the start of a history of a long line of abuses, physical and otherwise, occurring while on the move. The state of origin is the initial perpetrator but the list of perpetrators grow as bodies move without “legitimate” reason. The abuses that occur during the flight process, and afterwards, are inflicted by diverse actors upon the mover while moving in between sovereign spaces. Justice seems less and less likely to become actualized in the life of those-who-move.

Through the movement through space, the subjectivity instilled by the label “refugee” is put into motion. Once one becomes a “displaced body” while crossing spatial frontiers. Through physical displacement, one’s rights also become displaced (Franke 2008). Franke notes that human rights are constructed in such a manner as to be incapable of dealing with displaced and moving persons because of the definition

of human as emplaced, as well as the structures that accordingly have been built upon this construction; mere reform will not suffice.

Modern international human rights law, as developed through the United Nations (UN), is fashioned in terms of a fundamental inequality between emplaced citizens of states and displaced persons in search of emplacement. The tradition of rights theory around which this state-centered international regime of human rights is formed is itself founded in efforts to battle against the normality of free human movement and to naturalize a confined sense of human freedom located specifically within the boundaries of territorially sovereign states. As a result, there is extraordinarily little discursive capacity within contemporary theoretical debates on human rights to ever seriously entertain the rights of displaced persons as human rights. (Franke 2008, 263)

Rights are claimed in a state, to the state, and the desire is to be a rights-bearer within the particular boundaries and in the eyes of the state apparatus. As a rights bearer within a state, one can compare oneself as such on spatial terms because of the construction of political community within the particular spatial limits. “Despite the development of international human rights agencies, conventions and the positive collective humanitarian actions of states in times of global crisis, the will of the sovereign state continues to serve as the ultimate arbiter over who is judged a worthy stranger” (Inghilleri 2007, 199).

Relegating Those Who Moved Out of the Space and Place of Justice: Depoliticizing the Speechless Subjects of the Human in Humanitarian

“It is the refugees’ position in constant movement between states that casts them beyond the reaches of any kind of legal or political community” (Tuitt 2004, 37)

“This dehistoricizing universalism creates a context in which it is difficult for people in the refugee category to be approached as historical actors rather than simply as mute victims.” (Makkii 1996, 378)

The state persecutes rather than protects and once one crosses a sovereign state border, the “international community” begins to take responsibility for these movers. Many other states also do not intervene in the name of human rights, the same states that may be implicated in the conflict that is creating the forced

movement of the once emplaced. The protector of moving bodies becomes an abstract notion of a global “everyone”, but also in a sense, no one. “While the place of the territorial state appears under international law as a site of relatively certain and sure footing, the domain of the international is hardly a site at all. It is a domain of fundamental ambivalent location at the very borderlands of states” (Franke 2008 on Kyambi 2004, 266).

To begin to conceptually imagine the spatial parameters of the international community, one must first examine the parameters of the state, for the international community boils down to the state in various ways, two of which I believe are key to this argument. In the end the physical location of the displaced person falls within a particular state even though it is not one’s own, i.e. the host state. The international community is after all composed of a community of sovereign states. Also, the decisions on all aspects of the international refugee regime are entirely constructed by nation states, starting on the global level by the United Nations, and going down to the particular level of the ways in which certain states have more control over the constitution of the global refugee process. “We are back, then, to square one that of nation-states” (Hassner 1998, 285), and we continue to oscillate between these spatial concepts.

Claims to the national of course differ than claims to the international, the national claim being a “valid” call to justice to the sovereign state, and the nature of this claim is inherently politicized and is not considered to be otherwise. Claims to the international, in other words, claims made to all states globally, are de-politicized into the realms of the humanitarian, and one moves from within the space and place of human rights to refugee law and issues become humanitarian and not political. “A shift to a humanitarian approach, it should be clear, does not automatically put the

refugees' voices front and center. Indeed the power of the humanitarian appeal is precisely that such refugees are stateless, helpless, and voiceless" (Aleinikoff 1995, 267). The discrepancy between human rights law and refugee law is that refugee law (the law of the displaced) always comes in second place (or never at all) to the rights outlined in human rights law and the state (the law of the emplaced). The human in human rights is emplaced making those who move inherently inhuman, constitutive of a serious perilous situation, which is that those who move do not have a space and place to access or make demands upon systems of justice where their claims and demands will be taken seriously. Also, where is it and to whom can they make their claims? Who is responsible for justice?

The ontological principle of inequality finds its concrete manifestation in the act of assistance through which individuals identified as victims are established... They are the indebted of the world... This process essentializes the victims: against the thickness of biographies and the complexity of history, it draws a figure to which humanitarian aid is directed. This construction is certainly necessary to justify humanitarianism, and it is also sufficient to it in that it has no need for the point of view of the persons in question. Moreover, in the configuration thus defined, these persons often willingly submit to the category assigned to them: they understand the logic of this construction, and they anticipate its potential benefits. (Didier 2007, 512)

Everyone and no one is responsible, for responsibility is thrown back and forth the same way asylum seekers and refugees are, never finding a solid place. The entire nature of justice and its conception shifts because one crosses, what is in reality, an arbitrary imaginary politicized line. The person who moves becomes a victim of human rights abuses, decides to move, becomes victimized further because of this movement, and from then on are in a constant battle to find safety and security. Agency and the ability to grow out of the subjectivity of the victim is denied representation and possibility.

"This mode of humanitarianism acts to trivialize and silence history and politics- a silencing that can legitimately be described as dehumanizing in most contexts... one might argue that what these representational practices do is not strictly to dehumanize, but to humanize in a particular mode. A mere,

bare, naked, or minimal humanity is set up. This is a vision of humanity that repels elements that fail to fit into the logic of its framework” (Makkii 1996, 390).

Asylum seekers and refugees are now constructed globally in particular ways to enable the system to work, and the international community accordingly can not envision any other alternative to the existing system.

When an asylum seeker arrives to the borders of host states, he or she is an illegal presence until one gains acknowledgement of their existence by UNHCR or the state. Most countries that are hosting the largest numbers of refugees are close in proximity to the refugee and asylum seeker producing states. The fleeing process may be to the closest border and then to the closest state that has UNHCR presence. There is a logic of containment within these particular spatial borders that do not delineate the boundaries of nation states, but of difference and boundaries on an entirely different spatial plane. The de-politicization of the human in humanitarian, in other words from human rights to refugee law, creates an inherent inequality in access to systems of justice. “Although refugee status is grounded in the idea of loss of membership, refugee law does not guarantee attainment of membership elsewhere” (Aleinikoff 1995, 259). You have the right to leave your country but you do not have the right to move somewhere else. In terms of refugee law, other states sovereignty is protected from the mover. Franke emphasizes the fact that because this international community is in heated debate about what refugees can call upon them and states for, indicates the level at which the displaced rights are unequal from the emplaced rights in the international regime (2008). For the emplaced there is no debate.

“Humanitarianism, insofar as it distances itself from the figure of the nation-state, abandons the political field. However, I believe that the contemporary world does not become more intelligible viewed in these terms, and one may doubt whether there exists, in one’s own society or in any society, a space empty of politics or even a space outside politics — all the more given that these interpretations relegate the

dominated and the excluded to this depoliticized space, leaving the political space to the dominant and the included” (Didier 2007,509)

Hassner sees that the ultimate control lies in the hands of Northern states to construct the limits and contours of the refugee regime and is in full control of the spatial existence of refugees whom he says are “being thrown back and forth like ping pong balls” (Hassner 1998, 280). The funding that is being provided by particular states shapes the refugee regime and allows them to create the rules of the game as well as to have the last word. National policies that dictate who is or is not allowed to pass into their spatial territory is in essence a right of the sovereign, one that Northern states have not been failing to emphasize.

When an asylum seeker or refugee comes into Egypt, they are an illegal presence. On the global level, the rhetoric is that they are in need and it is our responsibility to help and give aid to the victims. But what happens is that responsibility, as shown in the previous chapter, is thrown from one party to another so that in the end, no one claims responsibility. Egypt has a long list of economic, social, infrastructural, health and welfare systems, and other sets of problems. Its location next to the main refugee and asylum seeker producing countries makes it a key location as well as the fact that UNHCR is present in the city. Because Egypt ratified the 1951 convention, the 1967 protocol, and the OAU, it is their “legal responsibility” to provide asylum seekers and refugees with all of the rights allocated to them by these systems of justice. The international pressure is put on by the “international community”, who themselves are making it harder and harder, if not impossible, to seek asylum within their sovereign state. In this way the global south is bearing the brunt of all of the conflicts and the refugees and asylum seekers it produces while the global north, because of distance from these conflicts physically, do not face the same kind of pressures. The main countries that fund UNHCR, that

control their policy and practice, do everything they can to stay as far away from the humanitarian aspects of the situation as well as the political ones on a human rights level. And the argument of responsibility continues, going back and forth, between state and international community. The “universal” and those that have the opportunity to be part of its construction have the say in the way things go, but rarely take the responsibility for the implementation of their universal imperatives and the resulting repercussions that they may cause.

The durable solutions that the international community have come up with and impose say a lot about issues of responsibility and the ways in which asylum seekers and refugees are supposed to access “justice”. These durable solutions are resettlement, repatriation, and integration; in other words, becoming emplaced again within the space and place of justice, namely the state. “If refugee status constitutes dissolution of ‘social bonds’, then unmaking refugees demands the creation or reestablishment of ‘social bonds’- either in the country of origin or elsewhere. In short, a ‘durable solution’ repairs the tear in the state system fabric by ensuring that no individual goes without membership in some state” (Aleinikoff 1995, 260). Becoming emplaced is at the core of all refugee solutions and the means through which one can again make justice claims. In the end we always end up back at the state, no matter how convoluted the path.

Resettlement, laden with various political issues, is the process of being integrated as a citizen into a new state other than one’s state of origin. Issues of regionalism here are very crucial as resettlement is limited (at times it resembles selective migration rather than accepting asylum claims) and is usually of Southern bodies to Northern countries. The receiving state is supposed to include this new member as a full citizen with rights, yet refugees never again have full access to

rights once they have crossed spatial boundaries, assuming they were exercising their rights freely pre-conflict and flight. Refugees find it hard in every location at times to claim the most basic of services and rights. They are most of the time, recognized yet unauthorized, using Sassen's categories.

Repatriation concerns returning to the state of origin and re-integrating within the state and state systems, becoming re-emplaced. Repatriation is done swiftly and messily on most occasions and UNHCR mainly assist with travel fees and documentation only (Bradley 2008). Bradley reinforces the link between repatriation as justice and the importance of emplacement back within the state,

“Just return is best understood as the restoration of a normal relationship of rights and duties between returnees and the state, such that returnees and their non-displaced co-nationals are rendered equal as citizens.... The conditions of just return match the core duties a legitimate state must provide for its citizens: equal, effective protection for their security and basic human rights, including accountability for any violations of these rights” (2008, 286).

Rights, justice, emplacement, the state, and the refugee turned into citizen once again are components of the story of repatriation. Reparations in terms of land or access to ones previously owned land are very complicated issues that are compounded as the years one has been displaced increases. One is in a sense left to one's own devices upon repatriation. The displaced are often sidelined when it comes to reparations (Bradley 2007). Returnees are not always welcomed back with open arms and most possessions, forms of livelihood, and community networks are not restored to the pre-displacement state. Not seen as part of the state any longer, the role the displaced have to play and the means with which they could contribute to reconstruction in the aftermaths of violence. Bradley (2007) mentions that the concept of reparations particularly for the violence of displacement has not been conceptualized sufficiently within academic circles and has not been proposed as a valid claim. This option is of course preferred because in this way the responsibility goes back to the state of origin

and the international community and host state do not need to process in their battles of responsibility. Even before the time is right, people are repatriated for reasons that the international community decide upon. They close resettlement and refugee status determination for particular groups, close off systems to other forms of justice, and leave repatriation as the most appealing one. UNHCR always boasts of the numbers of Sudanese that have “voluntarily repatriated” although I think the “voluntarily” part of the equation is not so simple.

Integration is a tricky form of emplacement and as a durable, and supposedly just, solution to a refugee’s plight, integration is incredibly lacking. One is to be emplaced in a state other than one’s own and usually other than one’s choosing. Because of the regional aspect of refugee flows this integration process usually happens in neighboring countries with many socioeconomic and political woes of its own. In these states, its own citizens can be on a comparable level of rightlessness as refugees and asylum seekers but theoretically, and at times actually, have the right to make claims upon the state. In Cairo, many ask why UNHCR still attempts to have integration as an option because Egypt is unable and or unwilling to give citizenship to refugees and asylum seekers. UNHCR’s 1997 urban policy created a situation in which integration, or even simple existence, became difficult to say the least. The policy created restrictions on assistance, in other words, decreased the responsibility of the international community. This put a lot of pressure on the state of Egypt and on other service providers, as well as refugees and asylum seekers themselves. Claiming justice in this context is a convoluted process of negotiation and strategizing and interacting with various actors all of which want to delegate you to someone else.

Who is responsible for the attaining of justice for refugees and asylum seekers in the end? Again a sense of everyone, yet no one. There is no concrete system of

justice for these people who were forced to move because of the conundrums of rights and the interactions between sovereign states and systems of law. But in all of this discussion, not much is said about how asylum seekers and refugees secure justice for themselves and in the end of the day; this is the primary means of successfully attaining what one needs in the urban context of Cairo.

Conceptualizing Justice for Women in Cairo

Sally: You're responsible for your own change and in Cairo no matter how you struggle, you can't bring change. Let's see you what did you change you for your self? Nothing right? Even to get a job you need to have your Id, the people want to know who you are. Moreover it takes long time to find a job. We live by our own effort. Our right is not respected. The government does nothing for us. We struggle, suffer a lot to survive. UNHCR does nothing for the refugee. When you come they give you "yellow" until the interview. If they accept you, you get "blue". If not, you remain rejected. If you get sponsor and you're lucky you travel to a better country. It's like a lottery, if not you keep suffering here... No one, not governmental or NGO helps you. We live with the help of God... When you don't have legal status it's difficult. We know the refugee law, UNHCR should help us. But they would be more than happy if they disappear from the face of the refugee"

Justice in this context for asylum seekers and refugees, much like marginalized Egyptians, comes with a fight. At times the state's processes can be conducive to making particular justice claims become actualized, most of the time they create endless barriers that must be tackled. At other times UNHCR takes the lead in ensuring that particular claims are answered, simultaneously creating other forms of injustice that the asylum seeker and refugee must face and fight. Service providers and advocates play a huge role in this process, facilitating at every opportunity and advocating to the many other parties involved in the process. But, advocates and service providers do violence in their own particular ways. There are occasions when Egyptian citizens make asylum seekers and refugees feel a sense of entitlement, such as the taxi driver mentioned in chapter one. On the other hand xenophobia, racism, violence and resentment also show their ugly heads. Asylum seekers and refugees themselves play the essential role in attaining justice, according

to their conceptions of it, by themselves independently or by utilizing the system to their advantage. They can be strong free agents that voice themselves against the system but they can also, like Sally, withdraw from the entire game and deal with attaining justice on their own.

Sally's comment above exemplifies many of the issues discussed above. She maintains the importance of having a legal status and identification and emphasizes the barriers that seem almost impenetrable to attaining justice. Becoming acknowledged by the state seems, to Sally, to be necessary, to be the prerequisite for attaining other means of what she finds to be just. She thinks of rights as justice and knows who is supposed to be responsible for particular issues and also is very bitter about the fact that they simply do not. She knows the state has a responsibility and that UNHCR has a responsibility, but in the end the real responsibility falls on oneself. She makes caustic remarks on getting something blue and getting something yellow, leaving us with the sense of the arbitrariness and banality of the process. She, as many of my other informants, put a lot of faith in God to help their situation. Most of the time though, when faith is invoked, it is so that God will help them in their endeavors, indicating that these women are making their own claims to justice. They ask God to help them with their own acts of agency and their own endeavors, whether or not other actors are involved in the process or not. For all of this negative talk, Sally is one of the agents of creating change in her community. She sees little utility in her own struggle to attain justice for herself and her community; nonetheless, she has respect from these individuals because of her own power to act, to help, to organize. She recognizes that the state and UNHCR have power but don't care, she fails to put her own power into the situation because of the particular experiences that have caused her to become anti institution and pro independent solution. The above

comments are said by the same woman who works, participates, and through her daily practices, becomes a citizen of a particular form. She utilizes resources to solve community problems whether they are health related, economically related, or social issues. And she is not the only one; there are many other community leaders like her creating change in the everyday by their actions.

Justice is making claims to the city and making claims to space and within space and it is a participatory project as well as a monumental struggle. The struggle can differ according to differential conceptions of justice. Tsenu fights a different battle because of the ways in which she, and others like her, engage with the system. They understand that there are limitations to the system, and that no service provider will hand them a magical solution, but they also know that at various points they can utilize these individuals and institutions to lay claims to justice. Justice is negotiated between parties, between actors, and is open to many external influences not in the control of the actors involved or the asylum seeker and refugee. There is a sense of chaos and unpredictability, yet nonetheless strategies have emerged, whether or not they are viewed as such. The problematic issue here is that when refugees and asylum seekers do not conform to the humanitarian vision of helpless, hopeless and needy, they are relegated outside of the space in which they can claim the label “recognized refugee”, which is seen as a major right. Maneuvering and working outside or within the system in ways that shows you to be active and strong decreases the credibility of your pain, your plight, and your general case. Instead of seeing strength as an asset, weakness and vulnerability become the asset, and as will be discussed in the next chapter, at times specifically gendered ways. At times many play along with this game when they finally understand the rules, but this game is only supposed to be played by those in “power”. When it is not the humanitarian that decides what justice

is, when it is not the body of power to personally allocate it themselves, when they are not the ones who make and validate the decisions, this is when it is clear that they are on a global and local level, shaping the subjectivity of those seeking assistance from them.

Webet: What is justice for me? You can't force the citizens but there is law passed for refugees. That law can only get accepted when the refugees come together as a community, set meetings every time, and open discussions regarding issues needs to be addressed. That unity brings change. Instead what is happening now is everybody kept silent holding his problems no one speaks. If you take, for example, how many people are coming to AMERA comparing the total number of refugee in Cairo?

You bring justice when you have the capacity to do so and when you are heard by others. You need to pay a price when you need justice. Who can bring justice? Who is able to be heard? If you and me go together to some place and cry for justice we couldn't be heard they may even attack us. Even the responsible people would not look for justice unless the refugee come together and show this people their problems. People believe in what they see. If they don't get benefit from something they don't want to waste their time on the thing. That's why it's hard to bring change.

Tsenu: What do I have to do to get justice? What do I have to do to get my answer from UNHCR about my RSD? I have waited three years? Do I have to protest too? Is that the only way to get anyone to listen to me? I'm sorry but that is wrong.

UNHCR, as embodied by the urban policy, as well as the Egyptian state do not like it when refugees and asylum seekers gather. They become represented as violent and dangerous. If they do not wait patiently, suffer quietly, perform their pain and anguish appropriately, demonstrate their absolute sense of need, allow others to solely speak on their behalf, the consequence is that one needs to advocate against the humanitarian system and those who are working in the name of attaining justice for refugees and asylum seekers. While every actor is trying to delegate the refugee and asylum seeker to someone else, somewhere else, and refugees and asylum seekers don't wait for justice to handed out to them, or rationed to them, they are seen as violent and opportunistic, as "bogus" refugees, as humans that are not actually human

in terms of the roles laid out by human rights law and humanitarian regime. These individuals are relegated outside of any formal regime or systems of justice and have no other option but to lay their claims themselves.

55 on talking to women from her community after rape: We accept the fact that we won't get justice. We don't have any rights here and not matter what happens to us we don't want to talk. We can not speak, we just stay silent. We go home, we talk to each other, and sometimes we don't say anything at all. Sometimes we make fun of it, we have accepted it as the normal situation. We just say, this is what happens this is how it is.

Asylum seeking and refugee women have been taken out of the space and place of justice and movement has ensured that they are viewed in a particular way by UNHCR and the state. As Franke stated above, they are not a concern, they are a threat. Accessing justice is not only about legal status and space, they are gendered beings and hence another piece of the puzzle confounds the access to justice.

Chapter 4:

Gendering Justice: The Regulation of Voice and the Construction of Subjectivity

“To have a right as a woman is not to be free of being designated and subordinated by gender. Rather, though it may entail some protection from the most immobilizing features of that designation, it reinscribes the designation as it protects us, and thus enables our further regulation through that designation. The regulatory dimension of identity-based rights emerges to the extent that rights are never deployed ‘freely,’ but always within a discursive, hence normative context, precisely the context in which ‘woman’ (and any other identity category) is iterated and reiterated.” (Brown 2002 422, 423)

Justice and in-justice are constructed and dispensed in particularly gendered ways. While making claims to and accessing systems of justice one’s subjectivity is shaped and molded by these forces. In the case of gendered justice and injustice, women in particular are constructed and portrayed as weak and vulnerable. They must perform this construction in order to access regimes of law and justice. In these situations women’s subjectivity is initially shaped and influenced in various ways by the violence they have encountered, and later their subjectivity is further influenced and constructed on a global scale according to particularly gendered forms of violence, namely physical sexual violence. The denial of the women’s human rights leads to further injustice and various processes are then set into motion. The women are portrayed by advocates to be broken victims of sexual violence in order to attain international awareness, and as I outlined previously, are not only portrayed in these various ways, but are also relegated out of the space and place of justice.

These subjects are not passive in the construction of their subjectivity; this is one process I can not see as being constructed by a singular influence or group of

actors. This process is fluid and dynamic, and it is actively and continuously that subjectivity is formed. I aim to explore this and convey an alternate vision of the thinkable through my discussions with the various women I have talked to. Even though the influences upon subjectivity are not unilateral, the ways in which outside actors and processes aim to shape subjectivity, and the ways in which those who hold the power of representation portray these women, they construct women as vulnerable victims of primarily sexualized violence.

Making Women Human

Systems of justice have focused on the figure of the “human”. The “human” in human rights has been characterized as being a fundamentally male subject, and as mentioned previously an emplaced citizen subject. Spaces for gendered conceptualizations of justice-as-rights, is a relatively new phenomena (Merry 2006). The woman in human, as a space of conceptualization, was injected into the already existing systems of justice and rights, particularly by means of sexualized violence. Through various conflicts in which sexualized violence against women became systematically used as a strategy in conflict, violence against women became a topic of increasing concern. This movement had its various precedents but started to become particularly a topic of debate in the 80’s, and through the 90’s became established and legitimized through various mediums including international law. In international law, these crimes of a sexual and systematic nature became war crimes and considered a crime against humanity (Copelon 2000).

Following movements for the inclusion of women’s issues in these spaces the focus has been on sexual violence in particular (Wilson 2003, Franke 2006) and “women become figured in collective memory as particular sorts of victims that encourage popular identification with selected aspects of women’s experience”

(Franke 2006, 825). Forms of physical violence, sexual in particular, instead of structural or other forms of violence against women, were constituted as the main focal point of gender justice. Women must perform a particular kind of sexual vulnerability and embody a particular subjectivity to be deemed victims and this process makes it difficult to script new social possibilities (Franke 2005). Women should constitute a component of this construct of the universal “human”, but the ways in which this process unfolds and the unforeseen ramifications and consequences are currently not necessarily in women’s favor. The question is, at what cost do women become human? What happens to a political project that was created in a particular time, space, context, and within a particular conception of human, and you attempt to womanize it?

It would appear that a provisional answer to the question of the value of rights language for women is that it is deeply paradoxical: rights secure our standing as individuals even as they obscure the treacherous ways that standing is achieved and regulated; they must be specific and concrete to reveal and redress women's subordination, yet potentially entrench our subordination through that specificity; they promise increased individual sovereignty at the price of intensifying the fiction of sovereign subjects; they emancipate us to pursue other political ends while subordinating those political ends to liberal discourse; they move in a transhistorical register while emerging from historically specific conditions; they promise to redress our suffering as women but only by fracturing that suffering-and us - into discrete components, a fracturing that further violates lives already violated by the imbrication of racial, class, sexual, and gendered power. (Brown 2002 430)

The framework of human rights stays intact but we attempt to add, modify, transform, and various other verbs to, the system. Instead of using the question of gender and women to rethink issues pertaining to justice and the human rights system, to question the very basis of what makes up human rights, namely being “human”, what happens is that women are essentialized and constructed in particular ways. “Human rights place normative restrictions upon citizen’s subjectivities, narrowing them and squeezing into the allowable categories of legal positivism. The instrumental rationality of law and rights systematically transforms the lifeworld,

rather than being a sensitive device for listening to subjectivity on its own terms” (Wilson 225, 2001). Women’s subjectivities and their lifeworld are shaped by the violence in becoming “human”.

Subjectivity is fluid and multiple which is a complication for rights, law, and policy that need to have solid unilateral subjects. These subjectivities can be complimentary or contradictory, can arise in one context and not another. Human rights and other regimes and institutions of justice place requirements on subjectivity to conform to its precepts. Notions of gendered subjectivities shift within the legal discourse. “Gender is continually transformed through its performance in legally regulated contexts. It is constituted and reconstituted through regulatory practices such as the law that shift the conditions for performing gender” (Merry 2006, 186).

Fiona Ross addresses the debate about inserting new categories and women’s “experiences” into already existing systems of thought and justice while writing about women and the truth and reconciliation commission in South Africa (2003). She briefly draws upon two theorists, Joan Scott and Deborah Battaglia, while stating the utility for her project of both theorists regardless of their differing perspectives (2003, 25-26) as have many other authors I will be engaging with. Ross notes that Scott “expressly recognizes that a supplementary project poses difficulties in authorizing new knowledge”, while Battaglia argues that “supplementation does not *necessarily* replicate existent frames of knowledge” (Ross 2003, 26).

In Joan Scott’s “The Evidence of Experience” (1991) the author writes about the history of difference and the attributing of characteristics that allows us to distinguish between categories on some presumed, and usually unstated, norms (773). Scott addresses how returning to conventional history and unearthing overlooked silences and omissions within it has been a space in which what is produced is new

evidence on matters which were not considered pertinent to mainstream history. In this case this new information is revealed and therefore unveils a new version of history that is fuller and more complete. We take the past, insert new evidence, and the result is a more complete project. Scott's reaction to this proposition is best stated by the quote below:

“To put it another way, the evidence of experience, whether conceived through a metaphor of visibility or in any other way that takes meaning as transparent, reproduces rather than contests given ideological systems-those that assume that the facts of history speak for themselves... But the project of making experience visible precludes critical examination of the workings of the ideological system itself, its categories of representation... its premises about what these categories mean and how they operate, and of its notions of subjects, origin, and cause.” (Scott 1991, 777-778)

The supplementary project, in the present case making women human, does not question the very nature of human, of the human rights project, or what it is to be a part of this social group, and keyword, “women”. Making women human after the project was constructed, ad hoc, is in other words qualitatively different than what constructions would have been if women were made human during the initial conceptual and drafting process as well as, on the other hand, if the woman question had been used to de-stabilize current justice projects. Women in this sense can not really be made human, and if they are inserted into already existing structures of human rights, it will inevitably be a product of essentializing particular categories of womanhood.

I find myself very much in agreement with Scott's representation of the dilemma of including particular experiences of women in an attempt to correct the past wrongs and omissions of political projects as being an inherently complicated and fraught process. This is not to say that Battaglia's view is of no utility considering the current sociopolitical context of rights and the im/practicality of entirely re-defining the rights project, or any justice project, to incorporate women and gender.

In “Toward an Ethics of the Open Subject: Writing Culture in Good Conscience” (1999), Battaglia addresses issues of subjectivity, experience, contingency discourse and its “logical and rhetorical opposite” essentialism (116) among many other discourses.

“This is why contingency needs ethnography: to articulate a discourse of responsibility as a discourse of reflexive awareness achieved across difference... But this is the place to note that ethnography’s function of supplementing current knowledge in the terms of an other can work for or against the ethics of the open subject. The Oxford English Dictionary defines supplement as something ‘added to supply deficiencies’. Supplementation... is a process of new knowledge acting upon prior knowledge, and in consequence destabilizing it...” (1999, 119-120)

Battaglia does not take this process for granted and examines the ways in which only a critical ethnographic endeavor could de-stabilize these acts of supplementation. She also notes how subjectivity is fluid and contextual, understands how subjectivity is created and defined by others and by oneself is an important part of this process. But who is to say when supplementation leads to de-stabilization or when it further reinforces the power and violence of these systems? More often than not, supplementation leads simply to the plugging of a theoretical leak, fossilizing of a particular reality that in essence is contested. Here the power and the violence of what is accepted and later consumed as history plays a major role in limiting the utility of supplementation.

Making Women Speak

“Healing the witness is not and cannot be the court’s concern. What is more, bearing witness in the service of healing requires an empathic listener, someone to hear and affirm suffering. Yet, this kind of empathic listening is not the listening of a judge—an objective arbiter tasked with deciding what happened. Instead, criminal prosecutions—at their most sensitive to gender issues—recognize women as victims of sexual violence, and the women who come before the court must perform a kind of sexual vulnerability in order to be so seen as victims by the court” (Franke 2006, 821-822)

Making women speak is a key process to accessing systems and regimes of justice. But women must speak in particular ways, scripted to conform to the structure

of these systems and regimes, and also, to speak on particular topics as to qualify as a victim in need justice. Women have been made human in various justice projects and it is in the context of human rights testimony in tribunals and in truth and reconciliation commissions that will be utilized to explore issues of subjectivity and voice as constructed by particular visions of justice and gendered forms of access to it. Testimony in tribunals as well as in truth commissions have been known to be similar in restricting women's voice, in causing emotional distress instead of healing, and in constructing women's subjectivities in particular ways centering around victimhood and sexual violence (Franke 2006, Wilson 2003). Human rights testimony in both tribunals and truth and reconciliation commissions have also been said to have been limited by legal positivism (Wilson 2001, Wilson 2003, Franke 2006, Ross 2003). As will be explored later, RSD interviews have a very similar format and effect.

Wilson discusses the ways in which truth and reconciliation commissions are also a work of statecraft as well as how transitional justice is about a hegemonic project pertaining to the re/building of the nation (Wilson 2001). Wilson is critical of transitional justice, focusing on the fact that the medium neither fully delivers redistribution, reparations, recognition, or even a re-establishment of law and justice due to the construction of the project and the importance of amnesty within the process (19). The process is hence of great utility to the state and requires speaking of violence, but has no utility of the one who voices violence in terms of legal justice or retribution, perverting the rule of law. Regardless of the objective, testimony is the medium through which these issues are given voice or are silenced and because of the limitations of this medium, recognition itself used for various statecraft purposes is hampered by its very structure. Recognition thus is not recognition as such envisioned

by justice projects; it is recognition of particular issues pertaining to particular subjects, who are gendered, essentialized, categorized, and constructed.

Taking up the example of the Truth and Reconciliation Commission primarily in the case of South Africa, the ways in which testimony and voice become gendered becomes clear. Testimony in some cases happened in private and in other cases has been televised. Women who chose silence instead of the assumedly cathartic truth telling, who did not give a “standardized narrative of loss and suffering” (Das 2006, 301) were left out of the truth and reconciliation process (Wilson 2003). But for those who did testify, the assumption that the process would be healing and cathartic was evidently flawed from the start. In the context of the TRC in South Africa, 79% of the women testified about the men in their lives and acted primarily as secondary witnesses (Ross 17, 2003). In general testimony, as in any case concerning human rights, the focus was on the materiality of violence, the physicality of violence, instead of the structural or more symbolic forms of violence. After a period of time, the commission decided to open up discussion on how women could be included in the process of the TRC and how women’s issues could be better addressed.

Women’s entrance into this space of gendered justice focused on sexual violence and it was important that the women testified on the matter publicly, while in the rare cases men were called upon to testify, they usually testified about the issue in private (Ross 2003, 18, 22, 23, 24).

“Sexual violence was represented in the hearings and in public discourse as a defining feature of women’s experiences of gross violations of human rights. It was identified as an experience about which women could and should testify, and about which they would testify under certain conditions. It was considered incumbent upon women to describe in public the kinds of sexual harms to which they were subjected.” (Ross 2003, 24).

The importance of testifying in “public”, and testifying about the experiences of “sexual” harm, created what was thought to be the ideal forum for recognition.

Recognition about particular experiences became important because of the fact that sexual violence was the trope by which women became human, and it was of the essence that women in South Africa became human within the TRC experience.

If the TRC was focused on recognition, catharsis and truth telling more than redistribution of resources and reparations, one would assume that the task of recognition would be attended to. But as Wilson and Franke argue, the actual forum of public testimony for tribunals and TRCs are not conducive to this form of attaining recognition, which also reflects the act of voicing for asylum seeking and refugee women as survivors of sexual and gender based violence:

“Justice for these witnesses entails the public telling of their stories and a sense that they are being heard. But this kind of truth-telling is not within the jurisdiction of formal legal fora. The translation of human suffering into a vocabulary and a form that is acceptable and appropriate to a judicial proceeding can be a dehumanizing experience, not only for victims of sexual violence, but particularly for them...”
(Franke 2001, 818)

In essence, the testimony was used to elicit information and facts, and was used in order to get the “real truth” about what happened. But in that sense, afterwards, because of issues with amnesty, among others, these fora did not end up accomplishing either recognition nor redistribution or prosecution. In cases of transitional justice, one can not prosecute each and every individual who participated for that would be the entire community and the state does not redistribute resources in a just manner. Some argue the monetary compensation for suffering is another form of violence (Franke 2006, 819). In the end, women testified, their voice restricted within legalistic and particular forms and subjects of testimony, their subjectivity constructed by the various ways in which they were constituted as a subject within the TRC and also the ways they were transformed into human/victim by means of sexual violence. The events and narratives that were elicited were of a very particular and limited sort. Franke notes that essentially “Any women could have done it, and in that

sense the witnesses were fungible to a larger project of establishing a gendered dimension to international humanitarian law” (Franke 2006, 820). In the context of Cairo where the survivor is made to voice their violence over and over again with no, or little, return for the survivor in terms of any form of justice (legal, rights, restorative, retribution ,etc.), indicates that the voicing is of more utility to UNHCR or service providing organizations which is violent in and of itself.

Regardless the forum of attaining justice, testimony is a key aspect in the process. If testimony is a key aspect, so then is performance, which is where the subjectivity comes in. If there is no recognition, redistribution, or any other form of benefit to this process, it is primarily one that benefits those who are utilizing the information for their own purposes. On the other hand, what happens when there is a benefit to this particular performance of testimony, one that makes it a pre-requisite to be constituted in terms of vulnerability, in terms of “dependency” and “danger” (Franke 2001). The consequences of both of these processes are detrimental to the figure of the women seeking justice in very particular ways. This is the key area in which the supplementation of the woman questions becomes complicated.

Making Women-Who-Moved Human

“Like all legal regimes, it makes a particularized assessment that tends towards bounded categorizations and incomplete portrayals of individuals’ and societies’ circumstances” (Anker 2008, 153).

Refugee women are women who have experienced violence and persecution, but what makes them gain the title “refugee” is primarily their movement over borders and displacement from regimes of justice. Here instead of just adding women and stirring, we add the keyword refugee in the mix as well. The kind of violence experienced pre-flight in the country of origin is part of the global debates mentioned above pertaining to human rights and depending upon being a citizen subject of a

particular state. Yet this time, transitional justice offers no solace for refugees are very often left out of the reconciliation process (Bradely 2008). They are not instruments to rebuild the nation and national identity if they are no longer within the boundaries of the state or the boundaries of justice, in other words they are of no utility to the state within these processes. Once one moves, one becomes as mentioned before, relegated outside of the bounds of justice. Refugee law becomes the primary source of rights and rights are the hegemonic source where justice can be envisioned. Again, refugee law depends on national law and legislation which again highlights the conundrum of human rights, but this is now compounded in the case of refugee rights because refugee law has even less mechanisms for its implementation. Refugee law is a disparate version of justice and rights yet many of the same precepts apply.

“Too often, gender advocates for refugee women are simply concerned with ‘adding’ women to existing policies, laws and organizations dealing with refugees, without examining the nature of, limitations within, or constraints upon, the refugee regime itself.” (Baines 2004, 4)

Refugee law and access to justice within this regime is a gendered process.

Many have noted the inherent gendered bias in refugee status determination and other aspects of how the refugee regime is gendered in ways perceived as negative to women (Spijkerboer 2000, Crawley 2001). As in the case of the TRC, women perform the role of supplementing men’s cases and attaining status as mothers, sisters, daughters, and wives. The definition of refugee and the 1951 convention is said to have biases towards constructing particularly politicized and male experiences as persecution. Women also may play different roles in political resistances that are not the stereotypical ones that emphasize the image of “persecution”. There is however a movement to incorporate women and women’s experiences into refugee law, again mainly through essentializing womanhood and commodifying sexualized

violence. While discussing RSD in the next chapter, more detail on these issues is provided.

“In essence, through efforts to enable ‘visibility’ and ‘voice’ for these subjects with/for whom feminists are concerned, a politics of location has been forged; in other words, refugee women have a place to stand. Yet, we cannot simply assume that this newly occupied territory is benevolent or desirable” (Oswin 2001, 357).

Just as human rights are gendered and attempt to form subjectivity into a molded cast, so too does refugee law. “Refugee women” are inserted into regimes of justice after its formulation, and to do so, one must enact the process of formulating spaces within which women can become human. “Gender and women are often into one productive idea, with the narrow goal of realizing integration into a pre-existing regime. Yet the normative goal of gender equality is an odd fit in a regime riddled with power relations pitting states, refugees, UN agencies and workers in competition, and besieged by shifting local and global power politics” (Baines 2004, 2). To make women-who-moved human, they must perform particular kinds of victimhood and sexualized violence is commodified in the same manner.

“Carving out territory for refugee women within mainstream legal realms has been one way that feminists have successfully redressed their invisibility within refugee discourse. To do so, however, they have been required to paint a monolithic picture of these legal subjects as passive, dependent, vulnerable victims in need of protection” which forces “the fluid real-life subjectivities of refugee women to become bounded, separate spheres” (Oswin 2001, 348).

Scott is once again mentioned by Oswin who discusses an argument against the taken for granted fact that supplementation creates a conducive space for women. “Rather than asking, ‘how can refugee women’s experiences be incorporated into legal frameworks?’, we will ask, ‘why do legal frameworks distort the experiences of refugee women?’ and ‘why is refugee law so narrow in scope?’ ” (Oswin 2001, 355). Only when this happens Oswin believes that the focus will move from the objective

of saving lives at any cost to making more critically aware decisions regarding refugee women.

“What we represent and how we represent it will prefigure what we will, or will not, do to intervene. What is not pictured is not real. Much of routinized misery is invisible; much that is made visible is not ordinary or routine.” (Kleinman Das and Lock 1997, xiii)

Global advocacy is one of the major forces leading to the reification of women while pursuing the inclusion of women into refugee law and regimes of justice. One must commodify suffering, make it visible, so that these victims may enter our moral community and therefore evoke feeling the need to act, to give, to help. The appropriation of images of suffering and violence is an important strategy that allows “victims” to access the hegemonic sense of moral community, the moral community of those who have power and the resources. The most problematic issue is that when advocacy, led by the invulnerable other, represents and focuses on a particular group, and further, only a particular aspect of that group, namely their vulnerability, “the necessity of stopping to critically investigate the constructions, assumptions and ideas on refugee women, is all the more urgent” (Baines 2004, 10). Unfortunately, physical suffering is often prioritized over other forms of suffering. For women, *sexualized* physical suffering is the access point; instead of the many different other forms of violence that can be a determinant in suffering. Race, religious beliefs, sexual orientation, and physical appearance are just a few of the many different aspects of identity that can be the object of violence other than sex.

Advocacy uses particular images and strategies through campaigns and various “events” to make international noise as well as to utilize the opportunity to advertise for the organization’s “accomplishments”. “Suffering, in short, is not a raw datum, a natural phenomenon we can identify and measure, but a social status that we extend or withhold. We extend or withhold it depending largely on whether the

sufferer falls within our moral community” (Morris 1997, 40). Who we give this social status to is dependant upon the images we consume and the constitution of suffering and those worthy of sympathy. Through this process suffering becomes defined, diluted, and distorted to accommodate hegemonic views and current regimes of justice. The embodiment of this institutionalization, of this construction of subjectivity, may seem inevitable, constituting a violence of a very different kind than, yet related to, the violence that is aimed at being prevented.

“While transnational advocates cleverly used pictures, testimonials and descriptive materials on the plight of individual refugees to provoke a personal response from publics and international actors, these representations were also actively productive of an overly generalized representation of refugee women” (Baines 2004, 36).

Popular sentiment and collective action become created and instigate by these various processes on a global level and variously appropriated to the local level in various ways. Local perceptions of asylum seekers and refugees vary immensely and discourses on movement, nationalism, and statehood enter these debates. These images of course are not appropriated fully or without critique as well as without its competitors; “while experience is shaped by representations, it can also push against these representations – resisting language, bending it in new directions, and distorting the received ways of expressing distress and desperation so that these distortions themselves transform the experience of suffering” (Kleinman Das and Lock 1997, xiv).

Is the reification of “refugee women” worth the cost? If indeed this process incites action, intervention, and is necessary for policy creation and implementation, wouldn’t the idea of supplementation of women into existing categories and regimes of justice be inevitable? Kleinman and Kleinman, after criticizing the commodification of suffering and violence for global use as well as the appropriation of images of suffering that distort lived experience, write:

“The absent image is also a form of political appropriation; public silence is perhaps more terrifying than being overwhelmed by public images of atrocity.... We must draw upon the images of human suffering in order to identify human needs and to craft humane responses. Yet, to do so, to develop valid appropriations, we must first make sure that the biases of commercial emphasis on profit-making, the partisan agendas of political ideologies, and the narrow technical interests that serve primarily professional groups are understood and their influence controlled.” (Kleinman and Kleinman 1997, 17-18)

While one must agree that public silence is terrifying as well as the thought of social action being paralyzed, it is debatable what is “more terrifying” and to whom this

feeling of terror would be attributed. What is after all a “valid” appropriation?

Created by whom, for whom, and evaluated by whom to be “valid”? Must we draw

upon images of human suffering, and if we must, must we leave the definition of

suffering to be appropriated unquestioned? Kleinman and Kleinman make a good

point when they discuss that biases and motivation of various actors should be

understood but it is difficult, to say the least, to indicate the possibility of controlling

these actor’s influences. How to control and whose responsibility would this be?

Questioned, interrogated, juxtaposed, these are verbs that can be enacted upon these

processes, but controlled is indicative of power relationships that assume a particular

constitution of valid and who should be in charge of appropriations. Sexual and

gender based violence needs to be addressed, services provided and strengthened, but

the monolithic picture of women and suffering that is required in this process creates

further absent images of a different kind. Suffering should not be put on a point scale

system to be decided by those in power who have little connection to the “objects” of

their decisions. Ignoring sexual and gender based violence and its significance is not

the goal, “but instead to de-essentialize sex’s a priori status as a site of danger for

women and one best cleansed of such danger” (Franke 2001, 201).

“Although rights may attenuate the subordination and violation to which women are vulnerable in a masculinist social, political, and economic regime, they vanquish neither the regime nor its mechanisms of reproduction... The problem surfaces in the

question of when and whether rights for women are formulated in such a way as to enable the escape of the subordinated from the site of that violation, and when and whether they build a fence around us at that site, regulating rather than challenging the conditions within.” (Brown 2002, 422)

Commodifying suffering and violence, supplementing women’s experiences into regimes of justice, has not been as productive as had been hoped would be by the activists and feminists that led the movement for this inclusion. The inclusion of women as a category was to insert them into already existing policies and global agendas, but did not provide alternatives or critiques to the systems in place that were already in crisis (Baines 2004, 3). Oswin writes and I concur:

“In short, feminist approaches to refugee rights have, to a large extent, sacrificed context-specific, accurate representations of refugee women’s diverse experiences to accommodate liberal rights structures which require specific rather than fluid subjects. But, the already inadequate legal structures which feminists have taken such pains to insert the experiences of refugee women into are slowly, but unmistakably, becoming increasingly ineffective. As such, little tangible return has resulted from the discursive and material damage of reifying the subject ‘refugee women’” (2001, 355).

The Battaglian approach is one of utility and depends on the assumption of tangible returns. Tangible return of course is a very subjective attribution, but essentially the serious tangible returns as defined by these actors have been more on paper than in practice. Although one must agree that these advances are breakthroughs in terms of legal recognition, when legal recognition does not actually translate into change, the equations need to be re-evaluated. Returning to Scott, one should interrogate the uses and appropriations of women’s experiences. As the current status quo stands, supplementation has not been worth the cost and the implications detrimental. Various conundrums arise in local contexts as will be examined in the case of RSD, credibility, and SGBV claims. Supplementation has created a Pandora’s Box of further conundrums.

Constructing the Lifeworld: Subjectivity, Violence, and the Everyday

On the one hand, various markings in subjects are created through very different kinds of powers, not just different powers. That is, subjects of gender, class, nationality, race, sexuality, and so forth are created through different histories, different mechanisms and sites of power, different discursive formations, different regulatory schemes. On the other hand, we are not fabricated as subjects in discrete units by these various powers: they do not operate on and through us independently, or linearly, or cumulatively, and they cannot be radically extricated from one another in any particular historical formation. Moreover, to treat these various modalities of subject formation as simply additive or even intersectional is to elide the way subjects are brought into being through subjectifying discourses, the way that we are not simply oppressed but produced through these discourses, a production that does not occur in additive, intersectional, or overlapping parts but through complex and often fragmented histories in which multiple social powers are regulated through and against one another. (Brown 2002, 427)

Refugee and asylum seeking women's subjectivities are influenced by media, advocacy, policy, law, perceptions and portrayals of them in various textual and visual forms. They are influenced by the host society, their local community, service providers, their employers, their religious community, their friends, and various other actors. What constitutes suffering and the ways in which one becomes a good "victim" is decided by regimes of power and law, and to access these regimes, one must perform the designated role and conform to their precepts. As Brown states above, these discourses all interact in the production and oppression of subjectivity. One can not determine whether it is race, gender, and country of origin, legal status, age, marital status, social and economic status, or any other identifying strand that constitutes the main "cause" of injustice or violence. Each participant sees the strongest forces to lay in particular forms of power, institutions, individuals, and again, these perceptions may shift. Violence, as constructed by the global forces of law, advocacy, and the international community, is primarily a physical occurrence. The question here is how do these women construct their own lifeworld? How do they define violence and how do they see it as gendered? What forms of violence do they see as most attributing to their own suffering?

The physical experience of pain is but a part of a far wider destruction... A focus solely on the body and its violation fixes experience in time, in an event, and draws attention away from ways of understanding of that experience as a process that endures across bodies and through time. (Ross 2003, 49)

It is important to avoid essentializing, naturalizing, or sentimentalizing suffering. There is no single way to suffer; there is no timeless or spaceless universal shape to suffering. (Kleinman and Kleinman 1997, 2)

This form of supplementation of women into human, or asylum seeker and refugee women into human, is disparate from the vision the women I have spoken to. Not to disregard SGBV in its physical manifestations, women do speak of this issue as important and significant. But looking at the metanarrative of responses, these issues are not the main component of their definition of violence or the violence that they speak of the most as influencing their subjectivities or the violence most to be feared. The day to day lives of refugee and asylum seeking women are influenced by their day to day experiences, and violence is the key theme. When asked about the definition of violence, the main themes were inaccessibility of justice as they define it as a lack of freedom to speak and move, lack of access to employment and education, mistreatment in the workplace, verbal and emotional harassment in the streets or in transportation, discrimination and racial slurs at every corner, religious discrimination, as well as unwanted verbal and physical sexual advances. They describe violence on a continuum that sexualized violence does reside within, but is not the only, or most influential, violence that affects their lives. They see interconnectedness between sexualized violence and the other forms of violence, whether physical structural or symbolic, that they face.

What is violence to you?

Talake Set: For me violence is any kind of verbal or physical attack in order to make people feel bad about themselves. In long run it causes some psychological problems and its influence is it hurts people makes people feel low about themselves, feel they are less important and don't deserve to be treated equally like others. So the more one experiences violence he or she become easily exposed to some psychological problems like stress and depression which finally affects the persons over all

wellbeing. Some times it may cause severe things which leads people not be able to function on their daily life. When it comes to refugee it gets worst refugee are people who have past traumatic experiences if they experience violence in addition to their existing problems. That highly affects their mental and physical condition. Violence has very serious impact in any kind of person.

You were saying it's a daily act and experiences here so you can say about your self or people you know what kind of violence is it?

Talake Set: Mostly it's verbal. They insult you. There is some physical abuse also; they say things that really hurts you. They look down at you, they make you feel bad about yourself. They say to you don't belong here this is not your country. They lookdown at you because of your color, your look, this happens to you where ever you go in transportation market place in metro. Verbal and physical abuse is very common. Everyone treats you the same way except very few people it seems. They have to do some thing to make you feel sad as if you came from different planet. People abuse you also they expect you to pay more money at the same time they think you have good money. Violence is part of our daily life.

Sally: They abuse us verbally and physically. We don't get respect because of our skin color they insult us they throw stones on us. We are living carrying all this pain with in us. Doesn't it happen to you?

Tehetena: Violence includes any kind of attack which is intended to hurt you at any place. For example, I can mention what happens to us by our employers. When you don't like the job and want to leave, you don't have the right to leave the job. If you want to quit without their permission they don't give you your salary. When you walk on a street they may throw stones on you the may beat you. Harassment and abuse are very common.

Fegegetna: Sometimes when you take transportation, they might not even allow you to take the transportation and they push you and give priority for their own people. Or they may push you and abuse you physically and this is because you are a second citizen, you have nowhere to go and nowhere to report. Even if you go somewhere to report what's happening, the people you are going to are not responsible to respond for what's happened or the problems you are facing. Because they think, those people themselves, they think you are not supposed to be here. That means you don't belong here in this country, you are not a citizen, so that means that you can not get justice. We don't have any kind of freedom to do anything we want to do. Everyday we experience violence. Whether it's in transportation, or the street or wherever we go.

Most of the violence women talked about is forms of violence that face men and women, but to each group the violence is catered specifically. In other words sexual and gender based violence is really violence that interacts with subjectivity in particularly gendered ways, not the fact that these forms of violence only or primarily happen to women. This is the way violence is described and portrayed, having various attributed causes, being enacted in gendered ways not womanized ways, and

being perpetrated in disparate forms of actions. Violence is not one-dimensional, and sexual and gender based violence is a lot more intricate as defined by these women that in policy, law, and practice.

How would you define sex or gender based violence?

Sally: This includes any kind of violence verbal or physical attack that could happen to any women by any body.

Sandra: When you're in this country you're vulnerable to any kind of violence. You face verbal and physical abuse, inappropriate touching, insulting and high level of discrimination because of your skin color are very common. I think it's not just because you're a woman. If there were men in big numbers like us they would face the same problem. The fact that women are highly vulnerable to sex and gender based violence is that they have much better access to the public and because of their job. They are highly connected with the society how ever I have heard about men who are experiencing the same trouble like us.

Fegegetna: About sexual abuse, they may harass and insult you abuse you verbally and physically when you walk in street, they try to rub their body on you when you sit with them in transportation. If your skin color is different they never hesitate to ask you if you're will to go with them [prostitution] because they think you're easily accessible.

A conversation with Talake Set about the nature of violence and the ways in which it is gendered was very revealing. Previously she had described violence as a daily occurrence, so Talake Set was asked to elaborate and differentiate between the kinds of violence faced by women as opposed to men. She identifies many factors that lead to violence such as location of residence within the urban landscape, economic status, race, illegality, the nature of domestic work, and perceptions of refugee and asylum seeking and refugee women.

What kind of violence do you think that women are exposed to daily like you said and how does this differ from things that men experience?

Talake Set: Violences differ according to their living situation and their place. Violence is not the same everywhere. There are safe places where people can exercise their rights and run their daily life in a normal way. At the same time there are places that there are highly exposed to violence. So when we talk about refugee women, they can't afford to live in those places. So they choose to live in the lower part of the community and that place is highly exposed to violences. When it comes to the violences, the most common one is when they go to service providing organizations, what I mean by service is public services, yes state services, like when

we go to hospitals, they are expected to spend more and they might not get the right to get what they want to get. Sometimes, most of the time, they get abused.

What do you mean by abused?

Talake Set: Like most of the time when they take transportation they may get physically, or verbally get abused, verbal abuse is very common. In addition they may face physical abuse; people consider them not like they are human beings. They physically abuse them; they may touch them or pull their hair or this kind of thing. When they go to public service providing place, they are expected to pay more than the citizens. That's one thing. The other one is, it's very similar, when they walk on the street like they may face verbal abuse that makes them not to feel good when it happens in daily ways. That puts them into depression. They are feeling very uncomfortable feelings, and hopeless. The other one is they work. Most of them are domestic workers. Many, most of them... most of them, are not comfortable with the job and at the same time they do not get proper treatment from their employers. And they don't have freedom. Like they don't have a fixed time for work. They may get one day off in a week, that means every 24 hours a day they stay with their employers and they work, anytime that have to be there.

So what would you yourself define as sexual and gender based violence?

Talake Set: I think its all kind of violence which happens to women whether it's verbal emotional physical sexual it includes all kinds of violence. What women experience just because they are women. That's how I define it.

What kind of violence do you think is happening because women are women?

Talake Set: Hmm. I don't get your point.

Sometimes there are men who also lets say get the same verbal abuse about race...

Talake Set: I see your point, when it comes to gender specifically, this is the point I mentioned before. Most of them think that these women easily accessible, they can use them to satisfy their sexual interest. They think they are engaged in, you know, the thing I mentioned before (laughs, embarrassed to refer to the term prostitution), so that's why I think. Most men think these women are easily accessible. That's one thing.

The other thing is that when it comes to my community, most of them are women. And those women don't have any legal status and I think the society knows this. The society is fully aware that the refugee does not have somewhere to go. If we abuse them and do whatever we want to do, they have nowhere to go. I think the society understands that. That's what happens because they are women.

Another thing is that because of their job, they are domestic workers, and domestic workers are women. And the job as I mentioned before has a lot of stress, they have a lot of workload and no time and no freedom that's because they are women. Some of them may get abused by their employers because employers themselves know that this woman does not have somewhere to go, so do whatever you want to do with her.

Many of these women allude to the fact that men assume they are prostitutes

which is one factor that leads to them feeling their bodies are always accessible,

whether it is to physical violence or verbal violence. Every kind of violence is targeted their way.

Talake Set: Like because they are women, they abuse them, they think they have negative reputation. Most of the society that these girls are engaged in some kind of, I don't know how I can explain that, some kind of... lifestyle. Like they earn life or make money getting themselves in some kind of, I just didn't want to say it straight... laughs

You mean.. prostitution?

Talake Set: (laughs) Yes, so they think that way. So they have this kind of reputation.

What do you mean these girls? You mean a particular nationality of girls are perceived this way in Egypt? Or refugees?

Talake Set: No its all refugee girls, not just our refugee girls, all refugee girls. Like when she may walk on the street the man may come and stop the car, let me take you. Most of the men, what they think, is that she is engaged in prostitution so I can easily access them. So most of them have this reputation.

Why do you think that there is this expectation?

Talake Set: The expectation I think, is because there are a few who are engaged in this kind of thing. But still these people are forced to this job, not because or not for their best interest. But their life situation forced them to engage in this kind of thing, there are refugee women who are doing this kind of life. Refugee women and girls. There are different kinds of people of course but the main reason that forced them into this is their living situation, their living condition. Most of the society doesn't seem to understand that. So they consider everybody as in the same situation.

You said because their women and their color, what do you think the color has to do with this sort of violence?

Talake Set: Yes, this is what happens to me every single day. This is what I experience. The majority of the society doesn't have the awareness that color has nothing to do with people's personality. When you walk on the street, they say oh look black African black look, lots of things. They may say, who are you what are you doing here? This is a white country you should not be here. You should go to your country. Even small children do this and say this.

As referred to above, domestic work leads to a sensation of being violated.

There is a high rate of physical and sexual violence in the cases of domestic workers, but this is not the only kind of violence that happens. When this form of violence is mentioned, again, it is described as being on a continuum, being linked to and caused by various other perceptions and actions. Domestic work in this case is violent

according to these women because they don't have fixed hours and they are forced to work and deprived of sleep. When they live with their employers, most of the time this is the case, they live in horrible living conditions. They are required to sleep on the floor and eat with separate utensils and eat in a separate location. They may not receive their full salary or get time off when having health problems. Employers may not allow them to seek medical attention and medicate them according to the advice of their local pharmacy if they think that the illness is contagious. Employers may take blue or yellow cards or other forms of identification from these women to make sure they do not leave the job and generally just to ensure power over these women. There are many threats of deportation or false accusations of stealing when the employer wants the women to do particular acts, at times sexual and at others, going against their conception of their identity and subject position.

Talake Set: For this job I have had to sacrifice a lot of myself. I am not myself. The job it changes you, all of the violence you face. All of the injustice that you can do nothing about. I used to be strong. Now I don't even feel like a human being.

You said before that women are not comfortable with this kind of job and that it is the main source of violence. Why are women not comfortable? What kind of violence?

Talake Set: One of the reasons is the way they are treated, what makes them not feel comfortable is the way they are treated. Like people, most people consider them like they are people who are created for this job not like human beings were created to exercise their humanity and to live the life like any other people while doing the job. They consider them like they are doing this job there created to do the job so there is no argument when they start the job. Arguments are on the salary not on the time expected of them to work so they are expected to work everything in the house. They are expected to work nonstop with no breaks, like you don't know is it that these people are servants in the mind of the employer? This woman is my servant is what the employers think. That is what these people think they are so she has to make my life easier not to live her life or have a life. She is created to, she is someone who's created to work and work and work and make my life easier. Even the people who put it this way, the woman says you are here to make my life easier so you have to do whatever I want you to do and I have to get you any time I want to get you. We always have this kind of experience with employers because of the job that that is one thing. Another thing is that if they are sick most of them they don't allow them to get medical service they may give them medicine at home most of them don't allow them to get the medicine. So this is the major problem. It's especially the job that's the problem.

Fegeetna: When it comes to psychological problems most of the problems are between the employers and employees because refugee women work domestic jobs and their employers do not consider them as a human being most of the time. They discriminate against our skin color and they think that most of the time they are not clean and they are weak and they think we don't deserve to be treated like a human being. If you have a different color they consider you as dirty untidy They don't give us value as a person. You may not be given proper treatment, they may tell you to sleep on the floor, they give you a separate plate for food and they consider you like somebody different, not like a human being. This kind of discrimination makes you feel very bad about yourself. And you think, am I not a human being? Why are they treating me this way? And because of this ill treatment, we start to feel ill and depressed.

All of the refugee and asylum seeking women I have spoke to emphasized the role that their job and employers have on their subjectivity, identity, and sense of self worth. Domestic work is the number one site of violence according to these women, and the second most frequent site for violence is in the streets and in transportation. Compiled, this makes violence or fear of violence, whether physical sexual or otherwise, a full time lifeworld experience. Again, in Egypt, many domestic workers face the same treatment and violence but the differences in legality, social and familial networks, skin color, and various other differences between subjects creates a different creation of subjectivity.

“I found that the making of the self was located, not in the shadow of some ghostly past, but in the context of making it in the everyday inhabitable...hence there is no unitary collective subject... but forms of inhabiting the world in which one tries to make the world one's own, or to find one's voice both within and outside the genres that become available in the descent into the everyday” (Das 2006, 216).

When women become human, their actual day to day lives and experiences are not addressed by the systems and regimes that construct the contours of justice and law. In the everyday, women feel as if their body is unbounded, that it is fully accessible to all forms of violence. These forms of violence become embodied and integrated within the subjectivity of these women as well as resisted and transformed. Caldeira theorizes the unbounded body in the case of Brazil:

On the one hand, the unbounded body has no clear barriers of separation or avoidance: it is a permeable body, open to intervention, on which manipulations by

others are not considered problematic. On the other hand the unbounded body is unprotected by individual rights and, indeed, results historically from their absence. In Brazil, where the judicial system is openly discredited, the body (and the person) is in general not protected by a set of rights that would bound it, in the sense of establishing barriers and limits to interference or abuse by others. (2000, 368)

Although Caldeira's context is quite different than the one being discussed here, the notion of the unbounded body rings true to the way women have described their experiences. Their permeable bodies are exposed to all kinds of violence and violence affects them in disparate ways. Generally, the sense of insecurity and fear of physical violence is high, but so are the other more insidious and less tangible forms of violence.

When asked what perceptions women thought that the host society and service providers had of them, their answers portrayed the negativity by which they live in their day to life and in their day to day experience. The feeling of having an unbounded body, and being exposed to consistent discrimination, violence, and abuse, creates an image of self that can not simply be defined by sexualized violence. The daily eroding of the sense of self, strength, self respect, sense of worth, and belief in justice and rights, leads to a situation much more complex than that described mostly by advocates and humanitarians. Women may attempt to avoid any association with the term refugee because of the loaded nature of this keyword and its association namely with violence and injustice.

What do you think about your attitude towards refugee women? The society's attitude? Service providers?

Emenete: The society has a bad opinion and attitude towards refugees. There is no day I lived with happiness. We're always sad, when we meet we talk about the injustice we face at our work place on street and different public places. The society have less respect they looked down on us they don't believe we're human beings with basic needs like them. They believe they can do whatever they want to do on us as we have no where to go. Refugee life is horrible especially when you don't have any identification or legal status. If my employer want to send me or take me any where she has full right to take me even with out informing me as I am owned by her. I never say no because I don't have right to say so.

Talake Set: The color starts to expose when they know you are refugee. The first reason is your look most people here are Muslim they wear religious cloths and speaks Arabic mostly. It's easy to identify some one who is not from this country. And the second you see most refugee women in street or transportation you can easily guess they are refugees, they don't feel free to walk around or enjoy them selves. Even when they talk or walk you can easily feel the pressure they are under and that makes people to identify them easily so what comes first to their mind is that you are a woman who have no right no one to protect you so they can abuse you easily. I some times think was I born to get abused is this some kind of natural law that I didn't realize before.

What is the attitude on the society, the general attitude of being a refugee women?

Fegegetna: What the society thinks of refugee women is that these are people who flee from their homes from their country because of their political or economic problems or for the purpose of migration. They relate "problems" to the name refugee, and refugee women. Your question is difficult. When they know you are a refugee woman they look down on you and they think you are problem related person, they never get good attitude towards you have difficulties in life. And you are not in an equal position as the society, so they look down at you. The reaction is negative.

"... self creation on the register of the everyday is a careful putting together of life - a concrete engagement with the task of remaking that is mindful of both terms of the compound expression: every day and life" (Das 2006, 218)

The context of making the self and seeking justice is one that is laden with violence and suffering. The forms of this violence and expressions of suffering though are disparate and subjectivity is multidimensional. The remaking of the self and attempt to establish justice in the context of asylum seekers and refugee women in Cairo is a struggle, a complex and convoluted struggle that women fight while making claims to justice and to the city. The subjectivity laid out by law, by justice, is one that is forced upon you to create you into the perfect victim, the perfect sufferer, the ideal image of vulnerability. Whether or not this is done in the name of attempting to create a more just situation for refugees and asylum seekers, this process of supplementation needs to be revisited and consequences examined. When one conforms to the role, the must perform the part. But if you perform the part, you may seem in genuine. If you do not perform the part you are in no way a credible victim, entitled entrance into our moral community. You must speak, but what you said must

be scripted. Advocates and the international community must victimize you, and when they do, they create a situation where distrust and competing over who is the most vulnerable leads to very violent processes. Herein lays the conundrum and the paradox of rights.

Chapter 5:

Reading Between the Lines: The Issue of Credibility in Refugee Status Determination Interviews and Service Provision for Victims of Sexual and Gender Based Violence in Cairo

“Human rights forms of investigation and documentation are too legalistic for adequately recording and reflecting upon past violations. The instrumental rationality of law and rights systematically transforms the lifeworld, rather than being a device for listening to subjectivity on its own terms” (Wilson 2001, 225).

The Conundrum of Reading between the Lines

One would not necessarily assume that the crux of an issue would be the one left unstated, roaming between the lines. The vast well of information that is extrapolated from between the lines becomes the crux of the issue possibly because of its elusive nature of being there, inexplicit and undefined, therefore contested and malleable. Credibility and its assessment in refugee status determination interviews is a critical process, one that is not included in the text of 1951 convention, but is considered to be the most important determining factor whether one is allowed to attain the highly sought after label and status of “refugee” (Kagan 2003, Cohen 2001, Noll 2005, Bohmer and Shuman 2008). Credibility assessments are of critical concern not only pertaining to the event of the RSD determination, but also in the everyday access to services and rights. That means UNHCR, states, legal advisers, psychosocial workers, counselors, medical service providers, as well as all other service providers, are participants in this process. On the more day to day level,

credibility assessments are even made within the host society and expressed to the asylum seeker and refugee daily. This complex and convoluted process is difficult to examine, to address, and to be involved with. That such an abstract concept and conceptually unelaborated upon process becomes the most important aspect of RSD and service provision is indeed a cause for examination and exploration, not to mention anxiety for all parties involved.

Considering the stakes involved in this process it is most unfortunate that research efforts focused on issues of credibility are not at all commensurate to its undeniably important role in the RSD procedure. Noll describes “credibility” as a fragmented concept and “credibility assessment” as a fragmented procedure, and because of this research on credibility is also fragmented (Noll 2005, 6). The consequences of this include a lack of scholarly research on the matter, especially interdisciplinary research, and the fragmentation of research “will do little to alleviate the sense of disorientation and indeterminacy, which the lack of tangible norms and the relatively large margins of subjective discretion have brought about (Noll 2005, 6). Credibility assessment is a very difficult process to study which may be part of the reason. The existing literature on credibility addresses similar issues and utilizes similar methodology, cases are pulled up and testimony and results are compared. This method is dependant upon an existing archive of cases which is not available in the Cairo context. Each author quotes adjudicators and testimony, mostly conveying how the process of credibility is assessed. Most of the cases used are ones that address the preposterous ways in which adjudicators assess credibility that are not only subjective, but also do not involve a level of critical thought that may be obvious even to a bystander. Issues of gender, education, sexuality, class, culture and more are entirely essentialized.

In Cairo, UNHCR takes care of the RSD process and not the Egyptian state and no transcripts of cases are made public. The need for transparency in the RSD process as well as the ability to appeal has been a main issue of debate within credibility assessment. In Cairo the process is anything but transparent causing a chain of negative consequences and fostering a tense relationship between all those involved. The sense of mistrust between UNHCR and refugees that can be considered a common sentiment worldwide is exacerbated by this lack of transparency and communication leading to conflict and confusion. This same antagonistic relationship can be seen with service providers and lawyers providing legal aid. Especially in the context of areas in which UNHCR performs RSD and in which there is no available transcripts of interviews or of decisions, it can make examining this process even more difficult. Prior to 2009, Kagan used his own experience as a legal aid adviser and first hand experience with his own cases. Kagan utilized a very interesting method in his examination of credibility of religious claims, which is by examining transcripts recorded by legal aid advisers, but this option is not always available and very many service providers do not even keep statistics of cases or notes on the RSD interview (2009). This sort of method should be pursued in these contexts as well as the very important advocacy movements which are pushing UNHCR to make their decisions available in written form, for the asylum seekers and refugees, as well as service providers and researchers. It is also a difficult area of study because how can you fathom solutions to a process that is so difficult to pin down? Is it such a complex and convoluted issue that scholars, lawyers, and practitioners can not even fathom where to start or address the issue? And for the brave few who have addressed the issue, is there any thinkable alternative to the solution of striving for the impossibility

of “objectivity” in a process that is inherently composed of so many subjective components, and actors?

The existing literature and RSD process portrays refugees and asylum seekers in particular ways, putting them in categories including that of “liar”, “uneducated/different”, “crazy”, and/or “vulnerable victim”. They do this by stating key reasons that negative credibility is assumed. A list of these compiled is below. This creates a problematic situation because this literature may affect policy. For example, if one focuses on how communication can be fractured because of PTSD, low education levels, trauma, or because the asylum seeker is lying, there is no room to fit any other category of possibility. The “thinkable” categories are those stated already. Kagan again deviates away from this as well as Cohen (2002) in their discussion of how memory itself is fragile and complex and can not create standardized narratives of memory. Cohen goes further and draws attention to how nutrition, stress, sleep deprivation, and exhaustion (which are very prominent characteristics of an asylum seekers life) can interfere with memory and communication.

Issues that effect credibility assessment mentioned in the literature:

- Impressions rely on first insistence decision makers
- Many assumptions are made based on demeanor, affect, plausibility which can differ from one adjudicator to the next
- The influence of the translator, miscommunication, and how the translators nationality ethnicity affiliation or gender can effect what is conveyed
- Adjudicators assuming negative credibility from the start
- There are “cultural differences” in communication, expressions, gestures
- Personal traits of the claimant effect communication such as level of education, gender, nationality
- Inability for clients to be coherent while communicating of trauma and other psychological disorders
- Long RSD waits and lack of consistency in the general procedure
- Intimidation from the formality of the process, fear of outcome, fear of people in power and state effecting the client
- Country of origin information lacking or unavailable
- Bad interviewing techniques, interrogation or unclear and inconsistently asked questions
- The ultimate goal of making credibility assessment more objective

Considering the complexity of credibility assessment and the lack of information accessible in the case of Cairo, my goal will not be to necessarily come up with alternatives to credibility assessment at this stage. I hope to complicate the issue further as to raise red flags on areas that should warrant great concern. I aim to highlight the main issues that came up in my research and reflect upon it within the context of previous literature and conceptualizing justice for asylum seekers and refugees. This is the context in which issues of justice, gender, and making claims to rights become clear in Cairo. The urban refugee policy is a prime factor in creating this difficult situation, and although the 2009 version is much more positive in its goals and portrayals, it does not ameliorate or even the possibility of ameliorating the commodifying of sexual and gender based violence and by this accessing of rights through commodification, creates new forms of violence that the asylum seeker and refugee must face in their everyday lives.

The Event: Refugee Status Determination and SGBV Incident Reporting

The translation of human suffering into the language of law and rights will always satisfy the interests of legal authorities more than those who are called to narrate their pain. The presentation of the injured self in legal fora does not necessarily produce a healed self, for the treatment of witnesses is by its very nature appropriative. In important respects, courts are consumers of the memories of others. Courts “gather” and “collect” evidence, prosecutors “present” witnesses, witnesses “deliver” testimony and “give” proof. To bear witness requires that victims pose themselves and their memories in a way that allows them to be harvested by judicial actors in the service of larger goals of justice. (Franke 2001, 821)

Urban asylum seekers and refugees find it hard to access their rights and many are the refugees who are recognized under the 1951 convention. It may take up to two years to have an RSD interview in which refugees are illegally residing in Cairo. Not only have they displaced their rights while in flight, their rights remain homeless for years on end, and if one is lucky enough to become a recognized refugee, unfortunately the situation does not improve much in terms of daily life. Considering

all of the available options refugees have access to, none of them, even at their best implementation, provide any sense of justice. Refugees, men and women, are left to be destitute and their lives devoid even of the opportunity to ameliorate their present, no to mention the past injustices. Women who have experienced sexual and gender based violence in the past and/or in the urban context of Cairo are increasingly vulnerable and neglected in terms of services available. The creation of the female refugee subjectivity discussed above on transitional justice and the refugee regime also becomes an important discourse in Cairo.

The asylum process is portrayed to be a complex and unique process (Kagan 2003, Noll 2005). Noll describes it as a “hybrid” procedure, incorporating inquisitorial as well as adversarial models and features elements from administrative as well as penal procedure (2005, 3). Noll goes on to comment that even if we “explain asylum procedures as a *sui generis* phenomenon, we are compelled to note that the absence of theoretical underpinnings explains its characteristic features. In a worst-case scenario, such hybridization risks to eliminate all safeguards for the individual claimant” (2005, 3). Even though in terms of UNHCR policy this unique process should entail particular modifications to be made concerning evidence and the burden of proof, in reality this does not play out well for refugees. These allowances given to the particular situation refugees may face are in the end the space where credibility assessment has made its new home. With a lack of material evidence, taking “your word for it” means that your words must be persuasive and convincing, in other words “credible”. The key piece of evidence is the asylum seeker’s testimony, making the act of speaking, and speaking in a very particular way, essential. As in the discussion on testimony in chapter 4, one must speak their pain and injustice, and for women, this is scripted by the gendered access to justice and

rights. RSD like all other legal mechanisms is not a space for recognition as justice, although it is the main event in the asylum seeker and refugee's claims to what is conceived of as justice for them. Again the legal limits to testimony restrict voice, and shape voice to satisfy particular legal objectives.

“The different origins of silence -- sometimes the result of processes that discount particular kinds of experience or constrain the social space spaces within which to speak, sometimes a consequence of reticence, and sometimes the result of determined effort not to speak -- maybe overlooked, ignored or discounted.” (Ross 2003, 160)

There is no room for silence; in fact, silence is seen as one of the most destructive aspects in credibility assessment. The only way of “knowing” the world, and, being able to assess credibility lies in the semantics of narrative. Silence means either that you don't know, hence you are lying, or that you suffer from psychological illness and your subjectivity needs to be medicalized into the diagnosis of Post Traumatic Stress disorder (PTSD), or that you are simply uneducated and come from a “different” culture, one that is not as eloquent or elaborate as the one that the adjudicator or service provider, the humanitarian, comes from. Silence should be seen as a “legitimate discourse on pain” and there should be “an ethical responsibility” to recognize silence as such (Ross 2003, 28). If you are silent, you are not credible. But also, if you speak you are not credible, especially if you speak too well. If the story is flawed and inconsistent, you are not credible, and if the story is too well scripted, you are not credible. If you have flat affect you are not credible, but also, if you show too much emotion, you are not credible. Becoming a credible subject is like walking a thin tightrope and your only guide and safety mechanism is through your legal adviser.

Incident reporting of a sexual and gender based violence occurrence is similar in structure and antagonism. Incident reporting is supposed to be for the purpose of receiving services and support, as well as to collect statistics on occurrences to guide

programming and advocacy. But as mentioned previously, this instance of voicing in reality is of more utility for the organizations doing the reporting than the victim of violence. The issue of credibility is mostly looked at within the parameters of the legal domain, RSD in the asylum seeking and refugee instance. In Cairo, because of the pressures put on the system because of the urban policy as well as the commodifying of being a victim of sexual and gender based violence, the access to services goes through a similar process of scrutiny. The commodity in this case is not so much refugee status as financial assistance and access to resettlement. The integrity of the social service system is what is in this case aimed at being preserved; the system should not be manipulated or tricked or else the system is compromised. This time, the context of the state control over movement is not as much a factor as the control of UNHCR and partners over their own resources. The struggle is similar and in parallel but is partially structurally different. The “credibility syndrome” as a former UNHCR staff member called it, seeps into every aspect and the same rules apply for the voicing of violence in RSD as well as reporting incidents (2009).

Plausibility

When reality does not coincide with deeply held beliefs, human beings tend to phrase interpretations that fore reality within the scope of these beliefs. They devise formulas to repress the unthinkable and to bring it back within the realm of accepted discourse” (Trouillot 1995 72).

Essentially, one’s story must be plausible to be credible. What is and is not considered to be plausible of course is effected by various factors. The story must fit into a plot that is fathomable by the adjudicator, and just like no two asylum seekers may be alike, no two adjudicators are alike. Gender, age, nationality, educational background, and personal experience, are among the endless number of what may contribute to what someone thinks of as fathomable. Going back to the categories that adjudicators put asylum seekers and refugees in, they all correspond to a perspective

of repressing the “unthinkable” and putting it back within “the realm of accepted discourse”. The liar is stating a story that is outright impossible, they are in no way credible and we can not make any excuse for them as to why their story does not seem plausible. Even with the stretch of imagination, the adjudicator can not see how the narrative could be thinkable within their own subject position and perceptions of reality and history. Here we return to the idea of supplementation or reconfiguration, because each system will have its own complications so offering an alternative will not be productive as it will have structural issues of its own. But here we are working within a system that exists at the moment, and must simultaneously think about the unthinkable, creating an alternative and improved system, and concurrently, destabilize the current regimes with supplementing ideas that destabilize its structure.

Plausibility is dependant on the other factors involved (coherence, consistency, chronology, and demeanor), and is only one part of the constitutive process that determines credibility. This process is interesting however because of the main method that is utilized to assess plausibility, examining the “Country of Origin Information”. This is a key method to be able to judge what is a plausible event or occurrence “over there”, in the foreign chaotic space of conflict. Credibility assessment is an extremely difficult process and it is not easy for decision makers to decide to extend or withhold refugee status from someone that is seeking it, but the ways in which this difficult decision is calculated can be critically examined and therefore improved. The way adjudicators depend on country of origin information is one such area in which a critical re-examination of its premises and the blind accepting of this version of history must be done.

Talake Set: “It is strange you know when they talk about country of origin information. Where do they get this information? They get most if it from the persecutor. They told me, “No this is not possible because the state said this does not

happen". It makes you wonder whether UNHCR is working for governments or for refugees"

"Inequalities experienced by the actors lead to uneven historical power in the inscription of traces. Sources built upon these traces in turn, privilege some events over others, not always the ones privileged by the actors." (Trouillot 1995 48)

Country of origin information comes primarily from two sources, human rights reports and history. Human rights reports are dependant on actually witnessing events and analyzing why it is these events happen and who are the actors involved. Human rights reports are flawed for various reasons, one being, many states that are persecuting their citizens do not allow these particular individuals to be witnesses to these events of persecution. Also, even if they are allowed in the state, they will not be able to witness and record all possible events in a way to give a complete and accurate picture of the situations of persecution. These human rights organizations produce history in a very particular way, one that the process of production should be considered when attributing negative credibility especially. Human rights organization produces a hegemonic sense of "what really happened" which is then adopted by all parties involved in the RSD process, namely UNHCR and legal aid advocates and advisers.

The other main source of country of origin information is the official and accepted version of "history" of a particular location. "The vernacular use of the word history thus offers us a semantic ambiguity: an irreducible distinction and yet equally irreducible overlap between what happened and that which is said to have happened... history is a story about power, a story about those who won" (Trouillot 1995 3,5). This is a primarily state produced narrative, the narrative that dictates what makes it into the archive of country of origin information. It is no surprise that many contest the events of history, and the mechanisms by which a hegemonic version of history is produced. History in general, retrospectively, can be used to understand

current contexts or justify certain processes, this is also true and another reason why it should warrant serious critique in the ways in which claims to history are made. But in this context, what is at stake is not only contestations and differences in perception of what happened in the past, it also dictates the possibilities for the asylum seeker and refugee's future.

These are the sources that people identify what could be a plausible occurrence or not, not taking into consideration the many points at which silences enter the debate. The persecuted do not have the kind of historical power of production that other sources have, and this furthers the injustice done to them.

“Silences enter the process of historical production at four crucial moments: the moment of fact creation (the making of *sources*); the moment of fact assembly (making the *archives*); the moment of fact retrieval (the making of *narratives*); and the moment of retrospective significance (the making of *history* in the final instance)” (Trouillot 1995 26).

These kinds of silences are not taken into consideration during RSD or incident reporting. Instead of only supporting positive credibility when the story follows along the lines of country of origin information, if the story does not stay within the scripted version of events, this contributes to negative credibility. Alternative and silenced narratives do not make it to the discussion. The temporality of constructing facts is also neglected, and the time it takes for history to be produced and incorporated in the realm of the thinkable is also neglected.

“The play of power in the production of alternative narratives begins with the joint creation of facts and sources... facts are not created equal: the production of traces is always also the creation of silences. Some occurrences are noted from the start; others are not. Some are engraved in individual or collective bodies; others are not. Some leave physical markers; others do not” (Trouillot 1995 29)

If you state a story that does go along with country of origin information, this, in theory, leads to positive credibility. But, paradoxically it also leads to negative credibility. The critical factor that complicates the ways in which dominant versions

of history are utilized for country of origin information is that it is a version of history that is very well publicized and accessible. In other words, it would be considered to be very easy to create a testimony for RSD coinciding with what is expected, whether true or false. If the story is too clean, fitting in too well with the script, the adjudicator may think the story is not credible due to the frequency of it being told. This is common in RSD in general but I will use the context of sexual and gender based violence to illustrate because this is one of the many paths that lead to the essentializing of women, the prioritizing of sexual and gender based violence, and the commodifying of particular narratives.

Taking into considering the ways in which women became human, here is another venue in which being human and accessing justice requires speaking, performing of vulnerability, and sexualizing violence in order for it to constitute this order of suffering. For a narrative of sexual violence to be considered as persecution, it must not only be portrayed in the dominant discourse of history, but it also has to do with scale and purpose of the act. Only when sexualized violence is used in a systematic way for political purposes, is it to be considered persecution. But when one comes to convey this in the RSD interview, they are met with skepticism. The system has created a situation in which women's experience boils down to sexualized violence, and has now become a commodity, and the very same women who are essentialized and commodified are now deemed as a person whose testimony is now deemed as being not a credible story.

"Part of the reasons why there is this sense on the part of service providers and UNHCRs with skepticism is because they feel like there is such a stigma and yet the women talk to them about it" Legal Adviser . April 8th, 2008

So if you state a narrative of sexualized violence that does not go with country of origin information, you are also deemed incredible. But once this narrative becomes

dominant, and therefore credible, its plausibility is what makes the narrative lack credibility.

Consistency, Coherence, Chronology, Detail

“The successful asylum story is the one that fits into the framework of credibility and truth telling; the successful lawyer is the one who is best able to get their clients to tell a story that is perceived as true, credible and plausible” (Bohmer and Shuman 2008: 169-170)

The asylum story is rarely told in a consistent, coherent, chronological, and explicitly detailed form. Stories about experience, whether it be pleasant or horrifying, can not always be emplotted in a linear and structured manner. The asylum seeker that has the ability to do this on their own is indeed a gifted storyteller, but most asylum seekers get assistance with this process from legal aid advisers. Kagan mentions that extensive periods of time is spent on preparing the client for shaping the testimony in ways that will make them gain credibility in the eyes of the adjudicator and that in the context of his research he found that refugees are twice as likely to receive refugee status when they have legal representation at the RSD interview in Cairo (2006). Lawyers have a crucial and important role in the procedure, also giving them an enormous amount of power over the lives of refugees. The asylum seeker and refugee will spend most of their time with and must trust their legal aid adviser. The lawyer is put in an awkward situation and is forced to take the asylum story and perform the ultimate task of editing one's life to fit the mould of refugee law and the script that they are well aware UNHCR want to hear. This is not always an endeavor lawyers enjoy especially as the day to day “work” desensitizes them to their clients and their claims as many have told me.

“... it is at least possible that events otherwise significant to the life trajectory were not known to the individual at the time of occurrence and cannot be told as remembered experiences” (Trouillot 1995 15).

The testimony must be shaped in ways that not only restrict voice, but the format of the claim must be termed in the language of persecution according to the 1951 convention. When one narrates their story they focus on aspects of the events that are of significance to them, that are their reasons for leaving their country or home. The individual acts that constitute persecution need to be identified in a clear manner providing context and detail. The narrators of the asylum story though, even if they would fall under the 1951 convention definition, do not necessarily have knowledge of the particular acts that need to be identified. They might not know the exact reason why they are a “refugee”. For example, Talake Set was persecuted for imputed political opinion meaning that the persecutors perceived her as having a political opinion and they targeted her for that, regardless of whether she did or did not have that particular opinion. She did not walk into UNHCR and say, I was persecuted on the grounds of imputed political opinion and therefore I am a 1951 convention refugee, and even if she did she would lose credibility because of how polished and intact the story is. Over the years, Talake Set has taken every opportunity to educate herself on the discourse and rhetoric of human rights and refugee law, and these constructs have effected her perception of her case and continues to do so while she actively pursues every possible opportunity to know her rights. Also, one can state particular acts that happened to them but not directly indicate that they were targeted for a particular reason by this act, making it seem as if they were collateral damage in the context of conflict.

There are many events that happened to the asylum seeker and refugee, many of these events and the intentions of the persecutor might not necessarily be known. They start out as discrete events, and then the picture of what happened is painted later on and can be emplotted in many different ways. Some research on memory can

be informative here, but in the context of credibility if your story is plausible but not fulfilling further criteria, an argument as to why the story lacks credibility must be found in the body or mind of the asylum seeker and refugee. A discourse that I find patronizing and unjust is that of the fact that refugees are uneducated, traumatized, individuals who, of course, could not narrate the story properly because of their selves being damaged and splintered. In these cases, the legal adviser must get the “expert opinion” and assessment to justify the lack of coherence and consistency to the story. The story in reality is told over and over again to different people in the community and to service providers as well as UNHCR. Time elapses between these instances and new experiences and information are sure to shape the narrative in various ways. The reasons that assume a natural process, one that does not victimize and medicalize the vulnerable refugee, are excluded into the unthinkable.

Lawyers must also believe in their client’s credibility to be able to portray them as such in the interview. Lawyers are in a complex position as well as they are the catalyst to the RSD process. They are aware of all the tricks and all the traps simultaneously and both have a desire to protect refugees as well as the refugee law system itself. They also have a need to believe in the credibility of their client for this purpose, to make sure the right people are benefitting from refugee status. Lawyers, UNHCR, and states all want to protect the refugee system, but it seems for very different objectives, some being nobler than others of course. The unfortunate predicament that lawyers face is that although they know their influence on the client is extensive, they also know what the effect of getting refugee status will have on their lives.

As a legal advocate that I may know perfectly well that I do not want to know exactly where two peoples bodies were positioned during the rape and all the things that can come from and yet if I think there's even a 1% chance of the decision-maker will want to know it and I want my clients to go through it with me first. That actually sets a

perverse incentive... To be frank if you were my client, a good lawyer might humiliate you more than the adjudicator because I don't know what the adjudicator is going to be like. I want you to be prepared for the worst. So in a way that creates perverse incentives whereby the person who should be your advocate and closest ally in the process is the one who's degrading the most. (Kagan, December 2009-2)

Lawyers must ask questions and receive answers in painful detail, accuse the client of possible accusation UNHCR might bring up, and re-structure the narrative into the abovementioned moulds. When it comes to sexual and gender based violence, it is increasingly difficult for lawyers and interpreters, as well as clients, to achieve consistency, coherence, and be told in detail in a chronological manner.

The biggest problem I see though has to do with describing the violence, what level of detail should be required, and we get pornographic. Some interviewers want to get pornographic.... When I worked in legal aid with rape and rape victims cases it was hard. I can't, I am not actually doing my job correctly if I think about how should this be done. My job actually, if you are my client and you have been raped and you want to apply for asylum it is not my job to treat you in a dignified manner the way I would hope you would be treated. My job is to get your strongest possible case forward to the adjudicator as it exists. If I can get you to talk in vivid detail about what you've experienced I will do that. It's not because I think it should be done but I think that it's actually the system forces me to do that and it actually makes it in your interest however degrading it can be from another perspective. Kagan, December 2009-2

The same circumstance applies for incident reporting. The adviser must, regardless if the information is necessary to access the main service support that SGBV victims require, go into excruciating detail because they know that UNHCR as well as other organizations will do that. They become interrogators and find that the situation is more about their own credibility, or their organization's credibility, in the eyes of other organizations that may criticize their "softness".

For the legal adviser it is important that we know all of the details, even the smallest details about the incident and what happened while this is not necessarily important for psychosocial workers. It is legally important for UNHCR and police, but not for psychosocial because they care more about mental and psychological state and health of the clients so maybe they won't ask these kinds of questions, but for me (laughs) I care more about the information than how it will effect the client if I ask such questions. For psychosocial it is the opposite, they will take into consideration more how the client is reacting to these kinds of questions how the client is dealing with the issue. Of course for me also it is part of the training that I need is I need to get this sense of knowing how to interview the client, of course I try to be sensitive, but it's different then if you got the training, if you know how to ask such questions... I feel uncomfortable about asking every small detail about the rape incident like how it

exactly happened, everything that happened, any tiny details, which is of course very difficult for me to ask and very painful for the client. Even though, the thing is that, when I feel I am asking too many questions I know the UNHCR they ask much much much more details. They ask about every little tiny thing which is horrible for the client. (Legal Adviser II, 2009-1)

Generally UNHCR staff are not well trained in interviewing skills and lack in the sensitivity arena. They don't know how to facilitate... to build a case, you need details and you need information. But in the end, the credibility of the survivor may be in question because of lack of interviewing skills training. AMERA will not ask the same questions as UNHCR, maybe at a time they don't ask enough details for UNHCR to consider the case credible, whether that is right or wrong that is how the system is. So then the client goes to UNHCR and reports again, speaks again about the atrocity. Your end result is that you have two different stories, not because the person is lying, but because of incorrect interviewing or inadequate interpretation... You feel at times it's the blind leading the blind. (Researcher and expert, 2010)

The process is supposed to wean out “liars” who are trying to manipulate the system, but what are the costs of denying these survivors services based on a corrupt credibility assessment because of their own internal politics and lack of training? In this sense the context is created by all parties, and no matter how often there might seem to be the “good guy” and the “bad guy”, everyone participates in the system that promotes this kind of process.

Being involved in the field of legal aid does not mean that one is necessarily altruistic and infallible. Many lawyers cause distress to their clients and the same issues of credibility that judges and UNHCR are criticized for happens in legal aid offices. Lawyers do “start to wonder” because the system is constructed in a particular way so that everyone “understands” the reason that people may lie to get refugee status.

Many female clients have been raped. There are some people who assume if you were detained in Ethiopia by security, you were raped. Not all clients talk about it. I personally always wait for a client to tell me if they've been raped. I know legal advisors who just asked, "And when were you raped?" Legal Adviser I, April 2008

Legal advisers also need training and support as all services and institutions related to refugees in Cairo are overburdened and overworked. Protecting the system in a world

where there is systematic injustice embedded in global systems is a hard task to achieve. They practice refugee law in a system that is anything but transparent which is a limiting factor to their own work in Cairo (Kagan 2006).

Kagan brings up a key issue related to this, “In real life, credibility assessment involves many more factors, including not just the answers given but also the questions asked, the way they are asked and the environment in which they are asked” (2009, 7). It is not only the response that should be viewed, but the questions asked may be leading or incomplete. If a statement is vague or incoherent, the interviewer may not even ask for clarification.

Talake Set: I sat there, she just said tell me your story. I talked and talked and talked and she typed and typed and typed. That's all she was, my personal typist. She didn't even ask me any questions really, very rarely. I have felt more effort been put into job interviews than my RSD interview. At some point, she said, I'm tired that's enough, we ran out of time. I told her I was not done with my story yet, you told me to tell my story. She said that the time was up and that she had to see another client and then go home. I mean, I have had job interviews before and they were better than this. They paid more attention.

Talake Set did not have a legal aid adviser helping with her case and she has waited for approximately a year and a half and still has not gotten a response about her RSD interview, which should be happening in the near future according to UNHCR.

Focusing on the questions asked is essential, but Kagan also elaborates in a personal interview that it is also particular issues that are focused on in questioning is important. His response leads to an interesting way to establish credibility without turning the narrative and interview into a pornography of violence.

Kagan: I think it is fair and it's actually essential to push through a lot of detail and narrative from asylum seekers. I would tend to personally, I think if I were a decision maker, I would push an sgbv case in detail for everything around the actual act of violence, but unless maybe the person wanted to talk about it I wouldn't push for specific vivid descriptions of who was where during the rape for instance. So if it happened in prison I would try to get lots of detail about the more innocuous detail about the prison like when did they bring your food what was the prison routine like stuff like that. And then hopefully if I can establish that the person is capable of providing enough detail on things like that I won't feel the need that I have to go into detail the rape unless she wants to. If she has been raped I wanted to be on the

record that I might just let her say or even just imply it but without giving details. The thing is I think that serves government interests because you don't want someone to just say I was I was raped in prison I get asylum now I said the magic words you have to give me everything. That wouldn't serve government interests. But I think if the person says I was raped but in the context of a far more detailed testimony about everything else that happened along the way I think that addresses government details without having to get into pornography. But I think the very it's a very difficult line to walk though because reality is that rape is a material not just the material but central part of the refugee claim because of that it is very legitimate to want it to be fully established and the only available evidence would typically be the person's own testimony. It is a very very difficult challenge that I don't think people have particularly been well trained for it. Two different victims will not be created alike as well and how they respond to things. Kagan, December 2009-2

Demeanor

“In order to be considered credible, applicants must show the appropriate emotions at the appropriate moments. An applicant who does not show any emotion when speaking of sexual violence is deemed incredible; a restrained display of emotions is deemed eminently credible; and showing an excess of emotions is seen as play acting.” (Spijkerboer 2000:56)

“The adjudicator said to me after my client was crying and shivering on the floor, ‘Wow that is the first time I have ever actually believed a rape story’.” (Legal Adviser I, April 2008)

“How many times do you tell the story before you should start crying? How many times does it take to just have blank affect? How can someone know?” (Researcher and Expert, 2010)

“There are a set of ‘typical responses’, if you vary from that...” (Former UNHCR Staff, 2009)

Demeanor is a very tricky aspect of credibility assessment and in the case of gender; it is based on the plausibility of gendered performances. Since physical proof is not necessary, performative credibility is. What would a woman say if she were raped, how would she act, would she cry, would she be silent, would she scream? What would and what should a woman do to be credible? UNHCR interviewers have become skeptical at the use of the story of sexual violence even though their organization and others related to them are the one's who constructed refugee women in that particular way and emphasized that particular violence. So while a woman is narrating the many forms of violence enacted upon her, her family, and community,

she must at once perform her suffering and loss in a particularly convincing display of bodily and speech acts that conform to the interviewer's conception of what being raped should make a woman look and act like, and yet simultaneously, between the tears, screams, silently traumatic moments, make sure that the story is chronologically accurate and factually consistent. Here lies the conundrum of clarity and affect. You must make sure to stay coherent, but make sure as to intermittently show just the right amount of emotion while telling your story for the 100th time. Maybe, there are cultural differences in terms of mannerism and body language, not differences that indicate the superiority of humanitarians, but differences that are to be respected and admired.

An important question is what about the interviewer's demeanor and the effect this has on RSD? On incident reporting? Why is the focus always on the credibility of the asylum seeker and refugee and never on the interviewer? What makes the interviewer qualified to ascertain truth from fiction? A key issue here is that although UNHCR train various other service providers on how to communicate to victim of sexual and gender based violence, they do not train their own staff in interviewing techniques. I will focus on an interview here with a former UNHCR RSD officer. A note here should be made because this former RSD officer was a student of Forced Migration and Refugee Studies and has taken a course called Psychosocial Issues in Forced Migration in which SGBV and other issues had been discussed at great length. Therefore this person was quite sensitive to particular issues but makes it clear that she did not receive this training from UNHCR.

Are there guidelines for interviewing survivor of SGBV? Did UNHCR provide you with training on how to conduct interviews?

Actually, we don't, I didn't. That sounds terrible. I had done interview work before, shadowed interviews, so my boss had faith. SGBV you see in the form they submit and in the first interview with RSD. People are

taught to interview in different ways and so the training is not effective as some are stuck in interviewing more akin to interrogation.

There is no standard protocol it's basically left to discretion of interviewer. During interview, if someone tells me this has happened by verbal, body language, if they showed times of trauma. I don't know if it's true I only know how someone acts towards me. So, if they show clear signs of trauma: start shaking, act really disturbed, start crying, get quiet, not want to talk about when I ask them about SGBV.

*One colleague once told an interviewee that she had not been raped. And actually, she later confessed that she hadn't and it was part of a story that she'd been told to tell. In that circumstance he was right, but that's not appropriate to say during interview. Even if you have serious issues, there's a delicate link in interview. You can say, "something's not adding up." You can say you don't believe without accusing them.
Former UNHCR RSD Officer, 2008*

As Kagan mentioned, the questions asked are important, but another aspect of this process is the way in which the questions are asked and the visible reactions that interviewers give to particular responses. There is also the process of the interpreter listening and interpreting your story and because this person knows your language enough to interpret for you, one can assume that the person is in their community and one may fear judgment and criticism. Legal advisers have said that interviewers may roll their eyes, give suspicious looks of doubt from the start of an interview and while the interview is going on, use a sarcastic tone, as well as many other indicators of doubt. At times the interviewer simply says “you are lying”. I asked a legal aid adviser how they knew that the interviewer was assuming negative credibility and the responses are very telling. Below are the answers the legal adviser gave me on two separate occasions.

I know from the kinds of questions that are being asked of my clients. The teenager I was telling you about, she asked her do you have a boyfriend? So it is like the questions that are being asked and also how the client is treated I know if they believe them or don't believe them.

What do you mean by how they are being treated?

Like they are in an interrogation, this is what makes it feel like they think the client is not telling the truth and they are just waiting to find something wrong, or waiting for something that is not the right answer or contradicts what they were saying. If it is

just the normal kinds of questions, you know, how where when etc, it's ok. Legal Adviser II, 2009-1

You can tell from the treatment, it's inhumane. These things happened a very long time ago, and the incident itself is difficult, and you know when I speak with the caseworker she says, you know I hear those stories everyday. And I think, ok what do you mean?

I think it has to do with the level of sympathy, I think the level is close to zero. I think what she means is that I hear it over and over and it doesn't touch me anymore.

What do they tell them at UNHCR to make them ask those kind of questions to assess credibility? I ask myself, should I have asked those questions? I try to figure out how their mind works to make them ask those kinds of questions.

I think there should be standards for, you are working in an international humanitarian organization so at least treat people in a humanitarian way, not more not less. That's the key issue.

You treat everybody as if they are credible even if you don't think they are, just so you can make them think that you are listening to them you are hearing them your respecting hem. Then take the decision after the interview not during the interview. Don't treat them as if they are guilty during the interview. Don't punish them during the interview for not believing them. Legal Aid Adviser II, 2010-2

Categories of Commodification: Women at Risk

Since so much effort was made to make women human, and since such a high cost has been paid, one would think, that at least a positive outcome would be that women who have suffered sexualized violence would be able, albeit some restrictions on the ways in which one must access justice. The reality of the fact is that it is a struggle similar to many other claims to justice. The issue of credibility distorts the special considerations made for women, making them cause further violence and further essentialization of gender and women. The everyday access to services whether it be access to medical services, counseling services, psychosocial services, or simply, the reaction of the host community, credibility plays a large role in deciding whether one is worthy of entering into their moral community. The main areas that are problematic and that the issue of credibility is most apparent is when it

comes to monetary compensation and access to resettlement as an option for a durable solution.

When one claims that they were a victim of sexual and gender based violence, violence becomes a commodity in terms of access to refugee status and social services. The repercussions for example, pregnancy, medical needs, counseling needs, etc, can also lead to the accessing of monetary compensation. The monetary compensation is minimal compared to the actual financial needs but nonetheless it is seen as a reason for asylum seekers and refugees to lie. For refugee status, it is the past that matters, but there is also the situation of Cairo not being a safe country of asylum for women creates another category that is supposed to be on of protection but in practice becomes one of credibility assessment. This category is called “Women at Risk” and was finalized in 2006 in an Excom conclusion (Excom conclusion 105, UNHCR October 6th 2006). Below is text from the conclusion that is pertinent to this discussion as well as the definition for women at risk for resettlement purposes.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

(Excom Conclusion 105)

For the purposes of resettlement, UNHCR considers as women-at-risk those women or girls who have protection problems particular to their gender, whether they are single heads of families, unaccompanied girls, or together with their male (or female) family members. Refugee women or girls may be at risk of or have suffered from a wide range of protection problems, including expulsion, *refoulement* and other security threats, sexual violence, physical abuse, intimidation, torture, particular economic hardship or marginalization, lack of integration prospects, community hostility, and different forms of exploitation. Such problems and threats are often compounded by the effects of past-persecution sustained either in their country of origin or during flight. The trauma of having been uprooted, deprived of normal family and community support systems and cultural ties, the abrupt change in roles and status, the fact or threat of violence, or the absence of male family members (while not an absolute condition), may render some refugee women or girls particularly vulnerable. These are contributing factors in determining whether resettlement is the appropriate solution.

(4.5.2 UNHCR Resettlement Handbook)

The conundrum here is that by allowing the issue of credibility to hinder the access to services for asylum seekers and refugees, they are increasing their case for becoming a woman at risk and attaining access to the very service that creates the commodification. In other words, because of credibility assessments and their association to access to resources, the denial of these resources strengthens their case.

“Woman at Risk” describes most, if not all, asylum seeking and refugee women in Cairo. The note given on material assistance is also where many problems begin. If all of these women are at risk, and we have not mobilized enough resources to treat all of these women equally, the credibility process is there to sift out those who are not the most vulnerable of the vulnerable and those who are “lying” to gain access to assistance. The financial compensation issue, as discussed above in terms of redistributive justice, financial compensation for being, for example, raped, is not considered by most as accessing justice. This may be one of the perverse effects of

the 1997 policy, directly commodifying and putting a price tag to sexual violence and then trying to restrict access to social services because of this commodification.

If a woman should be the victim of sexual violence and wants to receive some form of assistance, access to services, or information pertaining to legal issues, the refugee must first be able to access what many refugee women have called the “fortress” which is UNHCR Cairo regional branch. Now located outside of the urban center, the time and transportation cost simply to get to the location is too much for some.

Legal Aid Adviser: Many occasions clients are unable to enter the gate and speak to someone in the reception, even when they speak to someone to the reception and they let them in they just kept them waiting then in the end they say you don't have an interview and they let them go. Actually one of my clients says she went 4 times and was unable to speak to anyone. She went the next day to unhcr after the event happened, she kept going and going. When she couldn't access them she came to us. Legal Adviser II, 2009-1

M: You said you assist the women in accessing unhcr, can you give me an example of the kind of difficulties you had?

Legal Aid Adviser: According to the nature of the case, its very confidential, and its of course also the clients usually want to speak to a female or they are not willing to speak about the case to the receptionist. So in some cases they are unable to get service because they could not speak to the receptionist on the gate whos a male. Sometimes they go many times and they just say you don't have an appointment. Many clients say to me I went to UNHCR the next day after it happened and I was unable to speak to anyone. Others they manage somehow to speak to someone. Also, they don't get interviewed on the same day, they get an appointment for another day.

M: So the people that end up getting appointments how do they do that? How come some get access and some don't?

Legal Aid Adviser: I think that sometimes they speak directly to the community officers that are sometimes in the reception. Some of them speak to other receptionists. Usually when they tell me they spoke to someone they tell me the name of the community officer and they are usually in the reception. Legal Aid Adviser II, 2010-2

Women who attempt to get emergency attention or care most of the time do not gain access to UNHCR because of the structure of their reception of asylum seekers and refugees. It seems at times it is about luck or other strategies women may employ that gain them access to a protection officer. Either way the victim would have to make an

appointment for a later date, and then wait to be contacted, all the while the 72 hour span in which urgent medical care should be provided passes. Many women have told me that they were never contacted back. She went to another medical service provider which is known to be more friendly and accessible to the community, but it was three weeks after the sexual violence had happened and the time for the preventative care had passed.

They tell them to file a police report and send translators from community if they don't speak Arabic. Protection unit doesn't go themselves. Essentially, it's not really protection. I don't know what they really could do if something has 'already happened' in a sense. In terms of prosecuting, it's very difficult. The courts will side with Egyptians. How do you prove it a week afterwards and you don't have physical evidence? And for someone to go to court would incur social stigma? Very few women would want to pursue that option. Former UNHCR RSD Officer, 2008

Filing a Police Report: Putting Women at Risk in the Lion's Den

"Raped women here will never see recourse, they will never see justice. That is why it is essential to have the community support. Even if you can't do anything else at least you have support." Psychosocial Expert, April 2008

"After the Mustafa Mahmoud mosque bad things happen to many women in the community. The police had done what they wanted with the women. Many have seen their friends get hurt in a bad way but don't tell who because of the shame." Women's Community Based Organization, April 2008

This is something general in Egypt, that it is difficult to report anything to the police. Of course additionally if you are not Egyptian, you are African and black, it is much more complicated and not speaking the language. This is a huge challenge. Legal Adviser II, 2009-1

It is perceived by Egyptian women and by asylum seeking and refugee women alike that going to the police is not an option one would like to pursue. In every interview with asylum seeking and refugee women as well as service providers (Egyptian and foreign, there was a consensus; they personally would not go to the police, the women they know who have and have not been victims of violence would not go to the police, and all of the narratives that involved the inclusion of police usually resulted in further sexual victimization. Many times, harassment and

sexualized violence is further perpetrated by these men. UNHCR and other organizations lead training sessions on sensitivity issues for SGBV but only a very select few have this training and mostly, they are in a position in which would not really ensure their presence in your local police station. Generally, service providers do not influence women to go to the police station to file a report, even with accompaniment, from their offices because the service providers know that the option is difficult and rarely, if ever, yields any concrete results except being re-victimized. Even though, as advisers, they must inform women about the option.

The Egyptian police are not good on SGBV, they're actually quite bad. They're awful. You have the standard experience of being re-traumatized by an all male police force and they just make her retell it over and over again. Now can you tell this guy is and can you tell that guy all over again. As one client of mine and she was deprived of sleep for 24 hours because the police extensively making her refill her story over and over and over again. It was really just off-awful. We didn't see any point what is the benefit of our helping refugees go to that process. So we became more focused just on the psychosocial assistance where you can at least, you can get them antiviral medication and emergency contraception and counseling, those things were available in Egypt. Either in-house or by other service providers. You can get the emergency assistance. Kagan, December 2009-1

"I give them an idea about what they can do but I don't push them or scare them too much. Only I wanted to report it to the police. They are happy to tell the UN because it might help. They know that the going to the police would be traumatizing. The police told us that they are now training a few of them to deal with these cases but it will be very hard to access these few who are trained. They will have to deal with many people who are not trained first." Medical Service Provider, Refuge Egypt, Wednesday, April 2008

"There was a case of a woman raped by the police. She got some of his semen in a Kleenex. She had his license plate and identified him in a lineup. The lineup she was in the same room as the men. She's going to court next month and she's a dead woman. Her family came to try to kill her, and the police have her under house arrest. The family threatened the lawyers. The UNHCR needs to respond. They keep saying that rape is used as an excuse to get resettled." Researcher and Expert, April 2008

Most of the time, police brutality in general coincides with impunity. The emergency law has enabled police to perform all sorts of violence acts without being held accountable, and if held accountable, only minimally and until public outrage moves on to another cause. The last case mentioned by the "Researcher and

Advocate” became quite a famous case and even made it into the Egyptian newspapers. Below is a translation of the text from the article written in El Badeel Newspaper.

“Police officer gets life for indecent assault of Sudanese refugee”

The eighth district criminal Court of Cairo, gave a life sentence yesterday to police officer 3rd degree Wael Hamdy Mohamed Ismael of the patrol unit Cairo Security Directorate. After being accused of the indecent assault of a Sudanese girl at a checkpoint on the outskirts of Cairo after luring her through trickery to the police car and assaulted her.

The events of case number 2448 of the year 2008 criminal department of Misr el Gidida (Heliopolis), from where the verdict was announced in absentia, go back to 12 January 2007, when the police officer sexually assaulted a Sudanese girl passing through a security checkpoint in the south of Cairo after luring her through trickery to an open space in the Fostat Desert and raping her through force.

The legal aid Lawyers Tarek Khater and Mohamed Bayoumy, part of the team at the NGO the authorities closed by admin order, followed up the case for the victim who had kept evidence to condemn the police officer, a sample of his semen in tissue paper, this was presented to the attorney general and forensics as part of the incriminating evidence in the trial dossier. The police officers crime was described by Khater as “a scandal and a great shame for the Egyptian people who have suffered accusations concerning assault during the Sudanese protest in Mohandesein two years ago. Growing the gap between the sons of the Nile Valley” he also stated that” the Egyptian judicial system won a victory for the dignity of refugees by passing a maximum sentence to the accused police officer. Metwaly 2008. “Al Badeel”

To file a police report, you have to have physical evidence, be examined by the medical examiner provided by the police, you must have the address or some other identifying information about the perpetrator, as well as many other categories of evidence. This makes it nearly impossible to file a police report. But police reports hold a great significance in situations where there has been sexual violation in terms of receiving aid, being considered for resettlement, and UNHCR politics.

It is well known within the community that interaction between refugees and the police are rarely anything other than adversarial, much like most of the interactions refugees have in Cairo in day to day. But to appear credible, UNHCR says filing a police report when the violence happens in Cairo is an important

supporting document. A sign of credibility is taken as facing a chance at further sexual victimization, harassment, arrest/detainment, or at best simple neglect. One of the issues that creates an enhanced credibility issue is that most evidence for UNHCR is based on testimony and not physical evidence, but the police report requires physical evidence and UNHCR, regardless of what the institutional line is, do consider the absence of a police report as a sign of negative credibility.

Also the difficulty of reporting to the police I am not sure if this is related to your question but this is actually one of the main problems that me and my clients face, you need to have full information about the person. You need to know the exact place you need to of course have residency permit, you need to speak Arabic to know how to deal with the Egyptian police which is making it extremely difficult to report. You need to be aware of the Egyptian law to have forensic evidence and of course, as you know, unhcr they always their policy is that you go you file the police report you do everything and then you come to us. Of course they changed their policy that the police report is required to prove the incident but also it is in the favor of the client still to have the police report when they are going to unhcr , its is not a requirement but it will be solid evidence for their case and credibility and everything. Legal Adviser II, 2009-1

“One of the first questions from UNHCR is if they have filed police reports. There is a tendency to take the case more seriously if they have filed a police report. Women don't go for a variety of reasons but they do want evidence.” Legal Adviser I, April 2008

Globally there is a struggle when it comes to reporting of sexual and gender based violence. In this particular context and within this particular group in this particular location, it is understandable that the fear of reporting goes much beyond retaliation from the perpetrator. Nonetheless, UNHCR's position is that it is necessary. Some may see the risks, but still believe that one should “risk it” first.

“Ok, When something like this happens in Cairo, the question is why are you coming to us at UNHCR? Why are you not accessing legal institutions? If the police report is hard to file then ok, but have you even tried? They lose credibility when they came here two years ago, they maybe didn't get what they wanted and now they are returning saying I am a victim of SGBV.” (Former UNHCR Staff, 2009)

Putting Women at Risk in the Doctor's Hands: The Violence in Credibility Assessment and Accessing Medical Services

“Once, I took my client to Caritas. The doctor examined her and said ‘You haven't been raped, it looks like you just had some sex’. I don't know but it was

remarkable considering that they are an implementing partner with UNHCR but maybe those people working are more desensitized. My client ran away crying and was truly traumatized from the experience.” Legal Adviser I, April 2008

CARITAS is an important resource for refugees as they are referred there for most medical queries. UNHCR Cairo held more than one session of training to make doctors sensitive to issues of sexual and gender based violence (something they do not consistently do for their RSD staff) concerning their patients. Many complaints have been made by legal aid service providers concerning doctor’s sensitivity level at CARITAS though. Caritas offers medical services and what they call “social” services. This can include financial as well as psychological assistance, so access to these services can be crucial. Referrals to other partnering organization can also be made by the social team. The following two excerpts are the most revealing to issues of credibility although not the only issues mentioned by a doctor from CARITAS.

Most cases of SGBV don’t come because they are scared. But sometimes they lie to get extra money. I cannot examine a woman who has been raped unless she has a first class relative with her. I can only examine her by the naked eye. I cannot see rape victims if they come alone. This is a problem within their refugee community because sometimes their family are not with them. I can report that she said that she was raped, but that is it. After 1 week the abrasions and contusions will be healed. Even if the woman does not tell the truth, I refer her for financial assistance anyways, because to lie about something like this must mean she’s desperate. I cannot judge if someone is lying or not, sometimes I go by my sensation, sometimes when I think the woman is lying I always keep it to myself and I do not tell the social team.

Are there services that they need and they don’t find?

No I don’t think so. Mostly they need money. All refugees want resettlement that is what they want. Medical Service Provider, Caritas, April 2008

Once sexualized victimhood becomes a key way to access financial resources, the issue of doubting credibility comes into play. It is well known within the refugee community that narratives of torture and rape are key factors of illustrating vulnerability. Even if the narrative is false or at least perceived to be, the doctor

thinks that for a refugee to be so “desperate” means that they are sure to be in need of the money direly. The doctor realizes that she can not necessarily identify whether the person is telling the “truth” or not but she does indicate she comes to particular conclusions and those conclusions are based on the same factors that RSD is focused on (demeanor, affect etc). The doctor follows her “sensation” and even if she makes a negative credibility assessment she refers them for financial assistance commodifying the violent sexual experience or what it means symbolically in society if the story is not true.

Another core issue is that these doctors are the “experts” that one gets feedback about cases from for RSD and resettlement cases. There may be no physical evidence of rape unless there were associated serious injuries. Mentioned above, a Legal Aid adviser said that a doctor from CARITAS once said to her patient that it seems just as if she had consensual sexual intercourse and had not been physically violated. The legal aid adviser knew her patient only wanted emergency contraception and did not want financial assistance. The client was very upset by the accusation of the doctor and she was already in a vulnerable state because of incident that brought her there. In this case and in many other similar cases, the “expert” has the power to deny a claim is true. There have been cases that the same legal adviser informed me of casually on other occasions of torture victims going to CARITAS hoping to get confirmation that particular scars were caused by the torture techniques the client had stated in his case. The doctor stated that no, these scars were not caused by torture, and later on the client went to a private clinic in which the doctor confirmed that the scarring was congruent with the techniques described.

Another medical service is called Refuge Egypt and is a faith based organization run by a church. The doctor there had a very different point of focus on

particular issues. Their office has also been trained by UNHCR issues of dealing with victims of sexual and gender based violence. This particular organization deals with health awareness campaigns and use community outreach methods to reach their clients. This institution employs refugees and trains them to be medical assistants and to help with community outreach. In other words, it seems as if this institution has a very different institutional culture that fosters more accepting attitudes. The doctor explained how they are supposed to treat refugees who have been in Cairo for 6 months or less but most of the time to make up for the gap in service provision she lets some cases in while ignoring the rule. To make this exception one must go through a different kind of credibility assessment; do you really need these medical services? The medical and narrative history that the clinic takes as standard procedure is the test that the doctor uses to test credibility. In the end of the day, according to her and her staff she has not yet sent anyone away.

Here the priority is refugees who need to be served in their first 6 months in Egypt, but we don't refuse anyone. We interview them and give them a questionnaire and based on their story we see if we can help them or not. We try to help as many people as we can, as long as they have a valid story and they need help. Medical Service Provider, Refuge Egypt, Wednesday, April 2008

Concerning the particular issue of sexual and gender based violence he doctor said that they did not like getting involved with evidential issues because they know that the police require their own medical professionals to collect the evidence. But when asked about going to the police the doctor responded:

The women never said that they needed anything. When women are so traumatized, or if you are dealing with a sick person, they cannot express themselves well. We need to look after them and not wait until they ask. Maybe they don't know what they need yet. Maybe they can't see what they need. They come thinking they did something wrong so they are voiceless. They think they made a big mistake and should be punished, so they don't ask for anything. Medical Service Provider, Refuge Egypt, Wednesday, April 2008

The key difference between these two organizations is that Refuge Egypt do not provide monetary assistance. Although they are faith based, they treat

all asylum seekers and refugees who come in with a “valid” story.

CARITAS is the main medical service provider though and they are the provider that one must seek after being here for longer periods of time.

Generally “Women at Risk” struggle to get even the very basic medical services so the benefit of being essentialized into a sexualized victim causes more violence in the actual context of attempting to claim justice and rights in Cairo, as well as many other urban centers where UNHCR Urban Policy has created further difficulties in an already difficult context and situation.

Other than women at risk, there is a whole segment of women who are either still waiting for their interview, waiting for their decision, or had their files closed due to procedural inefficiency, as well as the many other women who simply do not fit into the stereotype or category of 1951 convention refugee, and these women face all kinds of physical and other kinds of violence with no recourse to justice and to critical medical care unless they access the private sector for medical care.

Inside the Belly of the Beast: UNHCR and Credibility Issues for Resettlement of “Women at Risk”

There is a real reluctance to refer people for resettlement based on a fear that this will create false stories of rape and sexual violence. It's the single most problematic factor in the work that we do, even on a personal level. Honestly, you just start to wonder... because the desire for resettlement is so strong and you do hear about people buying testimonies to be resettled. But then, I have many clients who haven't said a word about being resettled because they need an HIV or pregnancy test. Legal Adviser I, April 2008

Sometimes you realize later things don't add up. Also focus on "falsified or bought stories this does occur. I literally had almost the exact same story come to me one week apart. I probed and realized the two women were roommates.

Also large group of Somali women were resettled in 2004 and that is suspected to be a "pull factor" and there's suspicion of stories and similarities and it leaves you suspicious and harder to prove because you can't verify it. Countries are like "oh, another Somali rape victim..." A lot

of times stories are similar. Based on what we hear about Somalia, it's not surprising, but creates problem in terms of credibility and uniqueness.

A lot of women know about women at risk and victim of torture category. In a way, they are desperate so I can't blame them for lying. It's not fair to those who are telling the truth and also if once they are to another level, they will just be ripped apart. It's an ethical issue. Former RSD officer

"Sometimes people look 'vulnerable on paper' but they are actually getting 8000LE per month in remittances. Want to make sure they are sending the most vulnerable of the vulnerable, who would most benefit from resettlement. Sometimes the story just doesn't add up time and time again. This can be due to misunderstanding or trauma, but also with highly coherent or functional and if something doesn't add up, there might be something untrue. And even if not, ultimately if they are recommended, they won't pass the supervisor and they won't pass the head of the office and "definitely" not the resettlement countries. Resettlement countries make final decision and they are harsher than UNHCR: have no problem cutting through the facts. Also focus on 'falsified or bought stories' this does occur. I literally had almost the exact same story come to me one week apart. I probed and realized the two women were roommates. It makes me wonder now every single time and its not fair to the stories that are true" Former UNHCR RSD Officer, 2008

Most service providers, legal aid advocates, and UNHCR staff do feel the need to protect the asylum system. UNHCR also need to protect their institutional integrity and gain favor with states to increase their financial assistance and resettlement quotas. All of these participants work in a context of low resources, burn out, stress, a sensation of helplessness and disillusionment, and they may also have ambivalent feelings as to the nature of their work. Going back to the discussion on Spatializing justice, the international community, namely in this situation UNHCR, boils down to states. They depend on states to fund and support, and they depend on host states to allow them to be within their borders. UNHCR is generally and definitely in the context of Cairo, in a very perilous predicament. They must balance protection with politics, make decisions for refugee status determination and resettlement, perform needs assessments and allocate their limited resources. UNHCR makes hard decisions and they must answer to state interests while making these decisions. But also as mentioned before, as powerless as they feel, they have a great

power over the lives of refugees. They underestimate the influence they may have on their lives and underestimate what creative thinking can do for problem solving.

Taking into consideration the difficulty of their situation, we must also take in the difficulties asylum seekers and refugees face at their hands. Because of the fear of the buying and selling of stories, UNHCR may treat asylum seekers and refugees as criminals out to cheat the system. Just because resettlement is a valuable commodity does not mean that it must also be necessarily related to getting medical care. In our discussions women have stated that they do not talk about incidences or seek services that are available to them, they would rather seek out state or private medical services. CARITAS and UNHCR are not held in high esteem with these women so they avoid interacting with these agencies at all times.

Does it happen more that they come for sgbv purposes or that it comes out while you are talking about other things?

Usually they come when it's not their first time, the second or third time and it's a protection issue and they need to get out of the situation, like they need to be rescued somehow. Also, many times they come when they have another issue like they have a child they need to issue a birth certificate for. One of the cases is a teenager she was pregnant and her and her mother didn't know what to do. They came to us. Usually they don't come to report the incident itself but usually they need something that has to do with the impact or result of the incident itself. Legal Adviser II, 2009-1

Reflecting on the feedback given by asylum seeking and refugee women, as well as service providers, one may say that it is incorrect to assume that all women want to be resettled when they come to get services for sexual and gender based violence, and that it is a dangerous process to link this with the access to essential medical services.

UNHCR said that although we are perceived by the service providers that we are harsh they were saying that is because we have the most information about the applicant we know their history. At sometimes this is their first time to deal with legal aid so they don't know all the details about their case so that's why. We have more information so we are able to make a more informed judgment and decisions. Legal Adviser II, 2010-2

The above argument in justification by UNHCR for their mistreatment, sometimes dehumanizing, is that they know better. They know the asylum seeker and refugee for

their true selves. Whether they are referring to country of origin information, personal details of the client, or generally personal experiences with the client, in all of these contexts this information should not be hidden from the legal adviser, accentuating again the limitations of not being able to access claimant's files.

In the very same meeting, UNHCR made interesting statements pertaining to their "new" perspective on credibility.

In the meeting, UNHCR said now we don't care much about credibility because anyways even if someone came to us and they are lying, it means that they are desperate for help. So we will give them help anyways. What happened is that I accompanied a client to an SGBV counseling session, it's like the SGBV interview they have and it went very well. But then another person from our office went on Thursday and she had two clients. One of them the UNHCR said she is not credible and was so mean to her. She was rolling her eyes and she was interrogating her, that the interpreter was very bad and as not telling all the story.

It was a he?

A he yeah. And she told me that the woman was telling the story and said that it was obvious, like she would say 10 sentences and the interpreter would only say one sentence so she was treating her 100% like she's not credible and acting accordingly. But the other client she was sure she was credible, so she referred her for RSD and preparation for resettlement. So I thought after the meeting that the credibility issue might not be that important but it is still very important for the assistance that is provided by unhcr. She should have noticed if the woman is saying many things and he only said one sentence, she should have noticed. It's easy to notice. Legal Adviser II, 2010-2

So although the claim is that a police report is not essential it proves to be essential, and even though the claim is that we will help vulnerable women regardless if it is because of sexual and gender based violence, it is still a factor.

"Too often, weaknesses in UNHCR RSD operations have appeared as symptoms of an agency operating under too much strain, with too few staff to answer asylum-seekers' most basic inquiries, procedures that fail UNHCR's own stated standards, and limited impact on government policy. This predicament is not inevitable and it need not continue." (Kagan 2006, 29)

"Shifting RSD responsibility from a government to UNHCR poses a two-fold threat to UNHCR's mandate to supervise refugee law. First, by performing a role normally reserved for governments, UNHCR acquires the burden of living up to the standards it promotes for governments. If UNHCR fails to do this, UNHCR's moral authority to set standards for states will be eroded. Second, by becoming intimately involved in

the implementation of refugee law, UNHCR faces a conflict of interest in being able to effectively supervise refugee law” (Kagan 2006, 22).

With every recognition of a need there is a responsibility to act when you are the body in charge of providing services or protection. But the responsibility to act comes a need for resources and when the resources don't exist I think the whole process of deciding about the allocation of resources gets impeded from the source and credibility is brought in at a very early stage. If you are seeing people as lying or not telling the truth or there is inconsistency in what they are saying you can doubt them and you can dismiss them you don't have to act on it and then you can also be seen to be doing your job rather than seeing the inadequacies of the system. (Psychosocial Service Provider, February 2010)

UNHCR, whether they attribute the responsibility as that belonging to the state or not, has taken over the refugee status determination and asylum procedures in the context of Cairo. In reality, in the context of Egypt, they know that this will be their responsibility for a very long time. Global resources and funds are not being allocated justly and the containment of asylum seekers and refugees in the global south as to keep them away from northern borders creates an understandable predicament for the Egyptian government. As long as UNHCR has taken responsibility for the protection of refugees and making sure they have access to a durable solution, as their mandate states, they must do their best to perform these tasks. While the financial resources and resettlement quotas may essentially lay in the hands of northern states, strategies for advocacy and change are within the power of UNHCR to achieve. If this is done by looking at all kinds of violence women face as well as examining their RSD procedure in practice, many of these issues can at the very least be ameliorated until further solutions and resources can be found.

Until then UNHCR must take responsibility for their own shortcomings, and stop scapegoating when they are not doing their job to the best of their ability. The staff may be overburdened and facing a lack of resources, but that does not justify the kinds of violence they enact upon people seeking their assistance and protection. Increasing communication will solve a whole array of conflicts. Training should be

given to RSD interviewers and even if they do not allow the transcripts and testimony to be given to the asylum seeker and refugee, it should be examined for interviewing techniques that are more like interrogations to make sure clients are not harassed or verbally abused. Credibility and access to services need to be thought about critically and accountability for negative behaviors and comments should be put in place. And even if identifying various needs that they can not satisfy, sifting people through the process of credibility is not the correct strategy to take. If one takes the time to see the reality of the situations as perceived by the other actors in this process, a lot can be done to open up dialogue and discussion on the situation of women at risk. Maybe UNHCR will never have enough funds to solely support women at risk financially, or resettle each and every one of them, but by denying that this particular women is at risk is ultimately violent. UNHCR has stated that this past year their needs assessment was based on need, not on their allocated budget, so in the future we can see how this strategy unfolds. Regardless of this, the lack of communication with the community and the lack of transparency within their system will inevitably damper those efforts.

“Refugee adjudication involves the interpretation of a story, but this interpretation takes place within a legal framework founded on the idea that truth and falsehood can be objectively verified. What if, quite simply, they cannot? (Millbank 2009, 174).

Credibility assessment involves many individuals and organizations with varying degrees of power and influence. Communication, verbal and non-verbal, is at the basis of the entire process, as is memory, emotion, ideology, perception and various other complex cognitive processes that one can never pin down or necessarily regulate and control. Credibility assessment is an issue of life and death for asylum seekers and refugees. Considering these realities, how can we say “objective credibility assessment” as if it wasn’t an oxymoron, or at best a misnomer? How can we deny that this title, structured as it is, somehow gives the impression that if it was

only “objective” it would be infallible? Is there a way to push the envelope of the inquiry beyond the fallacy of objectivity and acknowledging the intricacy of this process while simultaneously being able to imagine alternative solutions? Is there a way we can provide explanations for lack of convincing demeanor, consistency, without essentializing gender, trauma, and cultural differences? The power that UNHCR, service providers, and lawyers have over the process of credibility assessment should be critically engaged with constantly. I hope that in the future Noll’s goal of interdisciplinary reflection, communication, and writing can become a reality. A supranational harmonization of practices depend on, as Noll states, a common understanding which is not thinkable at the moment due to the fragmentary nature of research and practice across contexts as well as the disparate sociopolitical contexts in which these social processes occur.

CONCLUSION:

“Not the End”

Perspectives shift; mores alter and excite the creation of new laws; unanticipated differences multiply. The erection of a protected human norm in any society immediately falls behind and at a distance from the normality of change. (Franke 2008, 278)

While justice is always intimately related to an allied regime of politics-the frame within which it is staged, legislated, and executed-it follows that another Justice must always be intimately related, also, to another politics. (Dillon 1995, 161)

Like the language of law itself, it [human rights] serves those in power but is always in danger of it of escaping its bounds and working in a genuinely emancipatory way. (Merry 2006, 231)

State- Violence- Refugee, Justice-Refugee-State.

Reflecting upon the fact that justice is constituted of rigid constructions of space and gender, what are the implications for refugee women? Is “Another” justice that is not based on these circumscriptions possible, and what would this justice entail?

“The Refugee precipitates a fundamental crisis in the juridical self-satisfaction of the political traditionalist as much as she or he does in the hubristic epistemological claims of the modern political cogito... For while the Refugee is the abjection consequent upon modern political subjection she or he signifies, in addition, the radical dissolution of that shared worldness which is actually effected by, indeed required of, the political cogito” (Dillon 1999: 168).

Politics are seen to take place within the spatial boundaries of the nation state. Refugees are seen to be rightless because they do not have formal citizenship within a particular political territory and cannot make legitimate claims because they are in an undefined “no place” since “displaced” is not considered a legal location (Franke 2008, 265). Since the border specifies where the “remit of justice ends” “Another justice” arises conversely from the perceived limit, “it is precisely through the interstitial, which is simultaneously also intraspatial, that the call for Another Justice issues” (Dillon 1999, 156). We conceptualize justice in particular ways because of the

various forms through which it is established as well as how it is distributed within our various contexts. Our cognition effects what we are able to conceptualize as justice and as another Justice. Dillon emphasizes the abovementioned facts and that justice is based on what we perceive to be thinkable in terms of politics and practice.

Considering that justice and politics are intrinsically linked, another Justice would entail another politics. The implications for the refugee regime could mean a critical re-thinking of the very underlying principles, policies, and structures that currently exist. Instead of adding in women and stirring, and taking the existing regime as an irrefutable creation, efforts can be adequately placed in not taking these increasingly violent structures for granted.

“It is obviously neither logically nor practically necessary that humanitarian intervention in and of itself dehistoricize or depoliticize... Perhaps a part (a crucial part) of the improvement is to be found in a radically "historicizing humanism" that insists on acknowledging not only human suffering but also narrative authority, historical agency, and political memory... This is not to make a simple, romantic argument about "giving the people a voice"; for one would find underneath the silence not a voice waiting to be liberated but ever deeper historical layers of silencing and bitter, complicated regional struggles over history and truth... For if humanism can only constitute itself on the bodies of dehistoricized, archetypal refugees and other similarly styled victims-if clinical and philanthropic modes of humanitarianism are the only options-then citizenship in this human community itself remains curiously, indecently, outside of history” (Malkki 1996, 398)

Any action or notion of governing that is premised upon territorial stability and that is unwilling to abandon the dependency on stability and emplacement will not be a successful or realistic one, especially for the displaced. Justice after all has been constructed in terms of the right of movement instead of emplacement, to leave one's own space but simultaneously be able to access other space (Juss 2006).

Women-Justice, Refugee Women-Justice

Kagan, December 2009-1

So do you think that the new policy or mechanisms within the new policy would effect my observations?

Kagan: SGBV... no I don't think there are. I think there is also something, a real practical problem, that this policy glosses over which is why the old urban policy was a problem. In a camp UNHCR can just deal with refugees as a mass and its convenient in some ways. It's convenient and it's harmful because you are denying people their individuality and ignoring all their individual problems. BUT what it gets you out of, and is very strong in an urban setting, is what you found, which is that distrust lies in everything.

So we go into an urban setting and we realize there are 50,000 refugees that live in this city, but each of their circumstances is different. So we can't actually develop a policy for 50, 000 people, we actually need 50,000 different policies. And even if we could break that into even just 15 categories instead of 15 thousand, each one is going to have different benefits and we have limited resources. So we don't normally give out monetary assistance because we don't have enough money but we want to be able to give out 200le to a person who is in a serious emergency. But now suddenly we have developed an incentive for someone to lie about having a serious emergency. Urban policy is like that.

That I don't think they ever really quite got into it but that's why I think legal aid and due process is actually extremely important here because there is a real problem here and refugees are not angels. They will smell an advantage like anyone else and some of them will try and cheat the system and that leads to credibility assessment issues across the board. Yeah I don't think it resolves it at all. I think it is inherent in the field, just inherent in the situation. The only thing that would resolve that is to be able to extend more services to be available to more refugees. The more you make goods less scarce, the less people will be tempted to cheat to get them. I think its natural when you get to priority setting you want to direct the things towards the most needy, the most vulnerable, and its really hard to argue with that, its triage. But it produces a host of problems.

Asylum seeking and refugee women used the terms justice and change interchangeably. You can not have one without the other. The obstacles ahead of us are partly due to serious limitations in the global distribution of power, resources, and influence, however, some of these obstacles are of our own making. If we deny our role and responsibility in creating perilous situations for asylum seekers and refugees, change will essentially be unthinkable because we are our own limitations. By supplementing packaged constructs of gender, as well as being a “refugee”, the system has truly created a paradox for its itself.

If these are the conditions under which rights emerge as paradoxical for women, as simultaneously politically essential and politically regressive, what are the possibilities for working these paradoxes in politically efficacious fashion? Unlike contradictions, which can be exploited, or mystification, which can be exposed, or disavowal, which can be forced into confrontation with itself, or even despair, which can be negated, the politics of paradox is very difficult to negotiate. Paradox appears

endlessly self-canceling, as a political condition of achievements perpetually undercut, a predicament of discourse in which every truth is crossed by a countertruth, and hence a state in which political strategizing itself is paralyzed. (Brown 2002, 432)

Every paradox is built on particular precepts of the thinkable and the unthinkable, creating the current contexts we now face. But this does not have to be the case.

Might the political potential of paradox appear greater when it is situated in a non progressive historiography, one in which, rather than linear or even dialectical transformation, strategies of displacement, confoundment, and disruption are operative? ... How might attention to paradox help formulate a political struggle for rights in which they are conceived neither as instruments nor as ends, but as articulating through their instantiation what equality and freedom might consist in that exceeds them? (Brown 2002, 432)

As Dillon describes, the limits are what create opportunities for bending them and questioning them with the hopeful end result of the successful struggle of Another Justice. So perhaps the paradox can be conducive to a similar line of thought. One must first feel out the limits and then try to move beyond them, bring the unthinkable, what our subjective cognitive experiences tell us is impossible, outside of its circumscription.

As such, this call to interrogate the notion of rights may elicit a fear of nihilism. But I wish to clarify that advancing a politically engaged exploration of 'rights' by no means entails an abandonment of the principles of social justice which inform this notion. Human rights are, in fact, social and spatial constructions and refugee rights are no exception... Working from the assumption that rights are contingent and contestable may result in the articulation of previously unimaginable possibilities for political action. (Oswin 2001, 356)

The structures of the current systems do not have a monopoly on violence, do not have a monopoly on injustice. As Brown states, "it is in the nature of every significant political project to ripple beyond the project's avowed target and action, for the simple reason that all such projects are situated in political, historical, social, and economic contexts with which they dynamically engage" (2004, 452-453). Human rights, refugee law, and humanitarianism are all such political projects, and the context described in this analysis shows one such example of the negative

consequences the quest for “justice” may have on the objects of which it is supposed to effect. These systems that dominate the discourse on justice, may achieve a variety of desired outcomes, for the purpose of these systems is to attain justice. When we say that making women human is a negative and violent process, this does not mean that the fact that there is a movement to open up a discussion on “women’s experiences” is a bad thing. Scott, who examines the limits of the supplementation of identity categories within pre-existing systems, opens up a discussion on how “experience” can be “supplemented” by its use in a strategically disparate way than is usually conceived of.

Given the ubiquity of the term, it seems to me more useful to work with it, to analyze its operations and to redefine its meaning. This entails focusing on processes of identity production, insisting on the discursive nature of "experience" and on the politics of its construction. What counts as experience is neither self-evident nor straightforward; it is always contested, and always therefore political. The study of experience, therefore, must call into question its originary status in historical explanation. This kind of approach does not undercut politics by denying the existence of subjects; it instead interrogates the processes of their creation and, in so doing, refigures history and the role of the historian and opens new ways for thinking about change. Experience is, in this approach, not the origin of our explanation, but that which we want to explain. (Scott 1991, 797)

It is the ways in which we identify with asylum seeking and refugee women’s experiences that create their reification. Our portrayal and construction of these women is, in essence, silencing their alternative views of justice, violence, and gender. Maybe, if we listen to those narratives, and broaden our use of experience to portray the myriad dimensions to identity and subjectivity, to create a space in which the thinkable can emerge, some of the violence done in the name of justice can be assuaged.

For example, as Kagan refers to, it may be easier to deal with asylum seekers and refugees in camps, but in the end, the consequence is what is now called a protracted refugee situation, and refugee warehousing. Also it may be easier to view

women as vulnerable only in particularly sexualized ways, and not see violence as a continuum. But while this process of reification, and therefore violence, is occurring, we create a host of different problems. In most ways, all asylum seeking and refugee women are “at risk” in Cairo. This does not mean that if they were re-integrated into a state by means of one of the three durable solutions, that this situation would cease to exist. But the solution is not to sift out vulnerable people, who are also resilient people, to make things “easier”. It is true that UNHCR on its own can not achieve the kind of change that many of the asylum seeking and refugee women want, but neither could any other singular institution. Maybe UNHCR can not stop violence from happening to these women, but they can attempt to stop doing violence to them. As long as UNHCR, and all of the components and participants that make up this organization, capitalize on their own sense of helplessness and destitution, do not try to break through the paradoxes of rights and justice, as long as they themselves stick to their scripted behaviors and voices, it is true change will not occur.

Kagan, December 2009-2

What I'm describing in two different contexts is pragmatic criticism. This is where my practitioners side comes in because I wanted certain result so I adopt a course of action likely to produce that result and sometimes that means behind closed doors. I think that's different from a pure academic approach that knowledge is its own reward so we should just produce knowledge and put it out there. But then of course you do something different and journalists do something different and the ethic of that is just the general good produce knowledge and get it out there or to produce analysis and get it out there.

That's not really my approach. I want to produce better refugee policy or I want to have an individual refugee be protected. So that's my goal. As a NGO activist or lobbyist or whatever you want to call it with UNHCR if I talked UNHCR they say it will take your comments on this and let you look at this some more but as long as you don't publish it and keep it confidential regardless of whether I think it should be published I will follow whatever commitment to I make to them on that.

Legal advocates depending on the context can play an important role in shaping reform of an RSD process and they have formally and informally. But in an individual case the legal ethics says that if you're my clients my first priority is to advocate for your interest so unless you as a client say that your primary objective is

to change the system which is rare most client say their primary objective is to get recognized and I'll have to adopt a course of action based on that.

You never have enough information before you have to make a decision. You never have total confidence that you made the right decision. If it's an important issue you are sure to have conflicting views and people will be upset at you for whatever decision you make. If you don't have evident conflicting views it might be worse because it means that people in your office don't express their opinions, it doesn't mean that conflicting views aren't really there. It's very difficult and you make mistakes, you definitely make mistakes. That's why whenever you criticize decisions that were made you need to look at when it was made and who it was made by.

I see these dialogues as an attempt of unhcr to shift its narrative and its own work and shifting perceptions of what its work should be away from this is the 10000 refugees are on a mountaintop by tomorrow afternoon model. They still do that but I think that they have constructed a narrative for themselves and they are trying to shape an organizational mandate in terms of the perceptions of governments and get by in that that should not be the limit of their role and that is not enough for refugees. And I think that it's quite admirable for them to shift the conversation in that way. As think that's what's going on in those two dialogues you can see that. I also think that's the purpose they are addressing here.

Through these comments Kagan brings up a host of pertinent issues about the particular responsibilities one juggles in their role to justice. On the one hand, the legal adviser and advocate must prioritize the needs and best interest of the client, not in an abstract way that will pay off in the far future, but what pays off today and in the everyday. On the other hand, the advocate and lawyer must examine and critique larger systems and push for their visions of the just. Herein lies the second paradox legal advocates may find themselves, the first being the necessity to be adversarial with the client to prepare them for RSD or a SGBV interview while simultaneously actually being present to protect and advocate for the client. At times, some of this advocacy does need to be quiet and unspoken, at other times it needs to be grand and eventful, the “High Commissioner’s Dialogue on Protection Challenges” being an example. If this event is performing the objective that Kagan outlines, that means they are trying to find their way out of the paradox by changing the rules of the game, changing the very precepts of the paradox. All parties must serve other’s interests to eventually fulfill their own, and all of the parties are in some way powerless. But,

they must not underestimate the power they do have as advocates, as service providers, as asylum seekers and refugees, as Egyptians, or whatever other label one may go by, because that, not the questioning of the status quo and unearthing the mess and chaos, is what leads to fatalism and nihilism. Concurrently, one must supplement to destabilize, and deconstruct to re-envision.

The aim of this project was to portray what I felt was a missing side of asylum seeking and refugee women's representations because I was the detrimental nature of their being reified as women and their experiences being reified and commodified into a means by which to access justice. If we reconstitute the meaning of vulnerability, responsibility, and reconstitute the roles and representations of experience, we can begin to begin a new phase to this political project. This is a project that I will continue with the many amazing people that gave me their time and were patient with my questions. I am looking forward to see the developments within the discourses of urban refugee policy, justice, and change. So to conclude, I will quote a forward and then share one final narrative between Talake Set and I that I feel addresses the core of these issues.

“Finally the real message of this work is one that refugee and displaced women have always known. If we are to move forward and help to create an enabling environment in which women will become empowered, we must abandon an institutional lens that sees them as vulnerable and confined in order that their individual and collective capacities may be released and their complexities acknowledged. It is time to re-energize the struggle for gender equality and this work is a significant step in that process.” Katharina Samara (Baines 2004, vii)

Talake Set is one such woman. She is strong and resilient, as well as vulnerable and fallible. She has moments of desperation and moments of laughter and endless energy and optimism. She tries in her everyday life to make the unthinkable enter in the realm of possibility. The unthinkable is only a “state” of mind, and even though there

are limitations put upon us and moments in which no other alternatives seem feasible, Talake Set's resilience and persistence is an inspiration.

Talake Set: You know most of the time I try to be nice with the people even though they are cruel to me and treat me very badly even after I heard some one insulting me I have to say oh you are a very nice person when I know he or she were being really bad to me. That's really hard it hurts. For example on the metro if I see elderly woman standing and I am sitting I would offer the chair. Mostly if she is with her children or friends she would insult me instead of thanking, she would say you see this black dog I have to pretend I didn't hear and still keep being nice. If she has baby or child with her I should say wow you got cute baby to stop her from continuing the harassment and this things really affect you hurt you makes you lose your real self and you worry when am I getting my real personality back when am I going to be my self? You ended up being the person you hate to be you don't get the chance to practice being a good person as if goodness has no value. This makes me stressed some times. I smile when I shouldn't be smiling why? Why should I be this person? This is the way it works you get some disturbance in your mind self conflict you always fight with your mind and your actions.....

But I thank God. Living is good.

If any one is making the best out of it you have. You're gifted that way I don't know how.

Talake Set: You think so! But when what I really want to do is slap them but say thank you very much goodbye, being submissive to others and giving them what they want from me is one of the biggest problems the biggest motivators that made me do this. Its when you see some one to get their sympathy you have to stick with things like this to say violence happen to me you have to victimize your self and people don't realize that and may be that gets your attention but, whether or not, or one way or another, it still happened. When you make me say this way when you make me to do this way it hurt me again. They were wrong when you make your self cute sweet and nice they say yes and positive and normal and women have to do it often

You know they make you lose your temper easily, laughs, I am completely changed. Now I am not this kind of person I used to have a lot of patient even when I am angry no one would know about my anger I don't talk loud.

It might not all be bad.... You have such a sense of humor when you are mad!

Talake Set: Some times I wonder when I hear my self loud and say was that me? What's wrong with me? I need some therapy on anger management I need to read more... laughs

I'll tell you some thing you still are patient. The thing is not that you are not patient, it's there is no feedback or return and you can be very patient. More than anyone we talked to you are most willing to try new things and new ways. If you're pushed, its ok you're human. One day our limit is high and we can take a lot and the other day we can't.

Talake Set: The other thing I use is compromising to keep my self calm and get some relief, try to see the good things about every situation and it helps me some times. I think of the good people I met in AMERA, AUC, UNHCR etc and say there are still

good people in this country. Every body is not the same and try to focus on the good things. I don't have to be judgmental and put every body in the same room taking the positive side helps me I try to find some thing to make me feel better.

Anger is good sometimes and bad some times. It's bad when it just hurts you and you don't get any thing out of it. If I wasn't so angry I wouldn't have been doing what I am doing now. It's bad when it consumes you and stops you, when you can't move forward and can't do any thing.

Talake Set: I am trying my best...

You're doing very well!

Talake Set: I really have many reasons to be angry about but am just trying to get the best out of this difficult situation. I am trying to handle every thing in a good way but I still get depressed sometimes when things go out off my control, I really feel bad but I'll keep trying harder. I never give up.

When you try and try some day at some point somebody appreciates it...

Talake Set: I hope...

People do appreciate it... at some point (both laugh).

Talake Set: Some days I get stressed, like when I hear all of the bad stories, especially these days. I don't know I'm getting weaker I think, because when I heard the story of other people before I was not like this, you know, I was always I can do this I can change my life there are better days, if I do whatever it takes today at least I can bring a better tomorrow, I can bring something, some change in tomorrow, a little change at least. You know, go forward. But the more I hear the story of other people, I don't know, that's influencing me and I get stressed sometimes.... you know, but ill be fine. LAUGHS. Ill be ok

You will.

Talake Set: (Laughs) Ill be ok....

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Appendices

Appendix A:

Questions for Service Providers 2007-2008

- Could you describe your position/work?
- What is your average patient-load per week/month?
- What are the main reasons women come to you for services?
- Could you tell me how you define SGBV? We are not going by the UN definition of SGBV. We are following service provider's definitions of their work. What is this center's definition of SGBV?[tell them UNHCR definition]
- In your practice, have you seen women who have experiences SGBV?
- Can you describe some incidences of SGBV that you have encountered in your work?
Where? What setting? By whom? What age?
- How often do you see women who have experienced SGBV? Do you track or keep running statistics of these incidences?
- How often do you see evidence of SGBV even if the case is not coming to you for that purpose?
- Do you have any standard protocol when dealing with survivors of SGBV for your staff?
- Have you received or given any training for management of rape/sexual assault? If so, when?
- Are there standard assessments that you conduct for UNHCR or police reports?
- Do you offer any type of STI drugs for rape survivors? HIV testing? Pregnancy-related services? Counseling services?
- Do you collect any evidence of rape, if available?
- In your experience, do patients who have experienced SGBV report this to the police? to their community leaders? Do you follow up? What are the consequences?
- How often do you feel women come to see you first? If so, do you send them to any other service providers after examining them?
- How do you know if a woman has suffered from SGBV? (probe to find out what proof standards are)
 - Have you ever felt that women might be fabricating a story of sexual violence? Why?
 - Do you require any type of proof or evidence? Why are these crucial to proving SGBV?
- Can you describe your relationship if any between your organization and police concerning SGBV? With the community? With other service providers?
- What programs/services do you feel are missing in Cairo for survivors SGBV?
- What do women say they need that you can't provide?
- Do you feel there is a lack of services? Why?
- What are the barriers to having a program like this in Cairo?
- Do women fear sexual and gender based violence? From whom? In your experience with clients...

- Have you ever had to turn a woman away or not been able to provide the services that she needed?
- Would you be interested in participating in a working group on this issue? Yes/no why?
- Would you be interested in attending a group meeting where we will present our findings and have a discussion?
- * Are the UNHCR policies for women and girls/against SGBV implemented? If not why? If so how?
- * What is the relevance of Cairo being an urban city to the experience of SGBV in Cairo?

Questions for Refugee Women 2007-2008

- Can you tell me about your organization/group?
- How did you get involved with your women's group/organization?
- What are the main activities that you do?
- How many members do you have? (Ask age range, neighborhoods, general demographics)
- How often does the group meet? Can you describe for me a typical meeting?
- Do you discuss health issues in your group or have any health-related activities?
- What do you feel are the main health issues for refugee women in your community?
- Where do women go for health services?
- What are difficulties that they encounter at these places?
- Do you know of incidences of sex or gender-based violence in your community? Could you describe any experiences you know of?
- How would you define sex or gender-based violence?
- Do women report their experiences to anyone (police, UNHCR, doctors, community leaders)? Why or why not?
- Where do women go, in your experience, if they have experienced SGBV?
- Do women in your group feel safe in Cairo?
- Does your group do any work related to sex and gender-based violence?
- What are the main security problems for women in your community?
- What programs/services do you feel are missing in Cairo for survivors SGBV?
- What do women say they need that you can't provide?
- Do you feel there is a lack of services? Why?
- Would you be interested in getting involved in a workshop or group discussion of SGBV?

Appendix B:

Interviewees 2007-2008

- Researcher and Expert, April 2008
- Medical Service Provider, Caritas, April 2008
- Medical Service Provider, Refuge Egypt, Wednesday, April 2008
- Women's Community Based Organization, April 2008
- Psychosocial Expert, April 2008
- Legal Adviser I, April 2008
- Former UNHCR RSD Officer, 2008
- CARE International, April 2008

Appendix C:

Questions for Service Providers 2009-2010

1. Could you describe your position/work? Where, when, why, what context?
2. Could you describe your organization, its components, and participants?
3. How many cases do you see a week/month? For what purpose/objective?
4. Could you tell me how you define SGBV? What is this organization's definition of SGBV?
5. How does your organization address/deal with the issue of SGBV? What projects/services, who is in charge, what funding, what team, what training, what method? Statistics?
6. How frequent do you see patients concerning issues of SGBV in your practice? Who, how, what for? Do they come to you specifically for this purpose or does the need arise in the provision of other services?
7. Do you have any standard protocol when dealing with survivors of SGBV for yourself? For your organization?
8. Have you received or given any training for how to interact with and/or approach SGBV cases? What was the focus? When/where was it? Who attended? What was the feedback? How many occasions? Where did the funding come from? Who were the organizers/which institution? Are there ideas that you have on training issues that you would like to lead? Or see others address?
9. What sort of evidence is required/prioritized in SGBV cases? Physical and social and otherwise? For your organization and for other organizations?
10. Can you describe your relationship if any between you and or your organization and police concerning SGBV? With the community? With other service providers? With UNHCR?
11. What is your reaction to and opinion of the attitude and approach of the many different parties (Your organization, UNHCR, legal vs. psychosocial, other services, state, police) addressing issues of SGBV? Why?
12. Can you describe some incidences of SGBV that you have encountered in your work? (contextualize setting of who, how, why, where, when, age, services encountered, relationship to refugee status, outcome)
13. Do your clients file police reports? What is their attitude towards filing police reports? With whom do they speak to about these issues? Who is the first person or organizations they go to?
14. How often do you feel women come to see you first? If so, do you send them to any other service providers after examining them? Who, for what, in what circumstance? Who takes charge of that particular case aka who follows up on the case?
15. Do you feel there is a lack of services? Why? What programs/services do you feel are missing in Cairo for survivors SGBV? What are the obstacles?
16. Do clients/patients express that there is a lack of services provided by you or your organization concerning SGBV? What services and why?
17. Is it feasible that you or your organization would be able to provide these services? Why, why not?
18. Do women state to you that they fear SGBV? From whom against whom? How do they portray it?

*Do you or your organization have any knowledge of the 1997 and or the 2009 UNHCR urban policy? If so in what sense? How is it mentioned? Utilized? What are general impressions?

Extra for legal aid service providers:

1. Are the UNHCR policies for women and girls/against SGBV implemented? If not why? If so how? What other policies are relevant? Are the implemented or not? How and by whom?
2. What is the relevance of Cairo being an urban city to the experience of SGBV in Cairo?
3. What is the relationship between experiences of SGBV and RSD in your past cases?
4. Credibility in RSD, in your experience how is this assessed? How is it mentioned within RSD?
5. Can you share examples of cases that you have seen? What are their experiences with service provision? UNHCR?

Appendix D:

Questions Urban Policy Advocates 2009-2010

Aims- To get an impression of:

- the impact of the release of the 2009 urban policy on and within various institutions and other independent actors including those with or seeking refugee status
- the current debates and discourses on the issue of urban refugee policy (1997 and 2009)
- the development of the policy in terms of socio-political historical forces involved (1997 and 2009)
- who the main actors were for the 1997 and 2009 policy and what their main objectives were
- the transformation in UNHCR from 1997-the present day and perceived cause by various actors as to why these changes occurred

1. When did you start participating in the construction/debate of/on the new policy? Where were you? What was the context? How did you start? Why did you start?

2. How involved have you been in the process? What were your main objectives and goals being involved in the process? What were your main concerns?

3. If part of an organization, how did the organization deal with the urban policy? Academia? UNHCR? How much of a debate was it and in what ways within these various institutions?

4. What was your perception of the 1997 urban policy? How did it effect your work and with what groups and in what ways? SGBV? RSD?

New Policy Questions:

1. What is your general impression of the new policy? (tone, approach, attitude, sense of hope for change, implementation, differences, similarities, does it allow for novel ways of addressing old problems, does it raise new problems to the limelight that were not perceived as problems before?)

2. Is the new policy a subject of conversation? By whom and why? What reactions from various actors have you noticed?

3. Who were the major actors involved in the construction of the new policy? What were their roles? Objectives? Concerns?

3. How fruitful do you think the concept of protection space is?

4. On the subject of state responsibility, what is your impression on how UNHCR portrayed the issue of who is responsible for refugees and how?

5. Do you see any unforeseen consequences, positive or negative?

6. What is your impression on the issues stated concerning RSD procedure? Monetary assistance?

*for those familiar with my research: Do you think that this new policy will change the observations I have made in my fieldwork concerning RSD, credibility, SGBV? Ameliorate the situation? If so how?

7. What kind of steps do you have planned in terms of this new policy? Future interactions with the policy and actors involved?

-Are there any issues that you feel are pertinent that I did not address about the 1997 or 2009 policy? If so what?

-What considerations should I make and what should I be careful about while interviewing different actors about this issue? Writing about this issue?

-Do you have any suggestions as to sources to look at?

-Who else do you suggest I speak to about this issue, locally and internationally?

Appendix E:

Informed Consent Form

As you know, I am a graduate student from the American University in Cairo. My research is about sexual and gender based violence against women who have or are seeking refugee status in Cairo. I would like to ask you some questions relating to this in the interview and I would like to tape record our conversation, so that I can get your words accurately. After I transcribe this interview I will delete the audio recording. If at any time during our talk you feel uncomfortable answering a question please let me know, and you don't have to answer it. Or, if you want to answer a question but do not want it tape recorded, please let me know and I will turn off the machine or will not write about it. If you would like to indicate what statements are on the record and which are off the record please do so. If you wish to stop the interview please feel free to do so at any time. I will not reveal any identifying information you provide in my written work or verbally, such as proper names, place of work, residence, or contact information. I will use codes or pseudonyms for proper names and places in my notes, thesis and future publications. These codes will be kept secure at all times, in a location only known and accessible to me. I may use the results of this interview for future scholarly works. Before we proceed, do you have any questions or concerns about this study, which I can help clarify? Now I would like to ask you if you agree to participate in this study. May I tape record this conversation? I will represent you in my research as _____.

Appendix F: Service Providing and Advocate Interviewees

- Psychosocial Service Provider, February 2010
- Medical Service Provider, Caritas, February 2010 (informal update)
- Michael Kagan, Senior fellow professor of Human Rights at the American University in Cairo, Policy Director of Asylum Access
http://www.asylumaccess.org/index.php?option=com_content&view=article&id=69:mk&catid=45:staff&Itemid=66

Kagan, December 2009-1

Kagan, December 2009-2

- Researcher and Expert, 2010
- Legal Adviser II, 2009-1
 Legal Aid Adviser II, 2010-2
- UNHCR RSD Officer II, 2008
- UNHCR, April 2010
- UNHCR Former Community Service Officer, 2010
- UNHCR Former Staff, 2009
- Counselor, November 2009

Appendix G:

Questions for Community Based Organizations (Individual and Focus Groups if possible)

1. Can you tell me about your organization? Where do you meet, who funds, how long have you been a group, what is the history of the group?
2. How many members do you have? Who are your members? (Inquire about general demographics)
3. How often does the group meet? Can you describe for me a typical meeting?
4. How did you get involved with your women's group?
5. What are the main activities that you do?
6. Do you discuss health issues in your group or have any health-related activities?
7. What do you feel are the main health issues for refugee women in your community?
8. Where do women go for health services?
9. What are difficulties that they encounter at these places?
10. How would you define sex or gender-based violence?
11. Do you know of incidences of sex or gender-based violence in your community? Could you describe any experiences you know of?
12. Where do women go, in your experience, if they have experienced SGBV?
13. Do women report their experiences to anyone (police, UNHCR, doctors, community leaders)? Why or why not? Can you give me examples of cases in your community? Probe here.
14. Do women in your group feel safe in Cairo? What are the main security problems for women in your community?
15. Does your group do any work related to sex and gender-based violence? Does any service provider or UNHCR offer any services or training session on this issue?
16. What do women say they need that you or the services you have mentioned can't provide?
17. What programs/services do you feel are missing in Cairo for survivors SGBV? Why?

Appendix H:

Questions for Community Based Organizations (Individual and Focus Groups if possible)

Violence, and Violence in the context of being a refugee: Yemebet tiset

Justice, and Justice in the context of being a refugee: Start with feteha, if they don't understand after a while use ferde, heg and make a note that you had to use the second or third word or explain.

Refugee women: How do you see? How does the host see? How do people in services see? Any other comments.

Change in the context or being a refugee: It means to you? What things would you like to see change, community like to see? Who makes this change possible?

1. What do you feel are the main health issues for refugee women in your community? Where do women go for health services? What are difficulties that they encounter at these places?
2. Do women in your group feel safe in Cairo? What are the main security problems for women in your community?
3. How would you define sex or gender-based violence? Do you know of incidences of sex or gender-based violence in your community? Could you describe any experiences you know of? Probe here.
4. Have you had experiences with UNHCR, AMERA, CARITAS, or other services? What was your experience with them, good bad how?
5. What programs/services do you feel are missing in Cairo for women and survivors SGBV? Why?

Appendix I:

Questions for Interviews: May 15th 2010

- The extra italic questions are more for probing if someone does not give you a detailed answer.
1. Refugee women: How do you see/define this? How does this self-definition affect you? How does the host see/define this? How do people in services see/define this? Any other comments on how treated or viewed as a category.
 2. Do women in your group feel safe in Cairo? How do they feel? What are the main security problems for women in your community?
 3. Violence in the context of being a refugee: Yemebet tiset: What is it to you? What is it to others in the community? Do your definitions agree or conflict? Has it changed since you came to Cairo? While you were in Cairo? Why and how? Do you think Egyptian women suffer from violence if so is it more or less and why? Is there a difference between the kind of violence refugee men suffer and the violence refugee women suffer? Like what?
 4. How would you define sex or gender-based violence? How does your community define it? Do you know of incidences of sex or gender-based violence in your community? Could you describe any experiences you know of? Probe here. **If no time, ask about only the most important example they can think of.*
 5. Have you had experiences with **UNHCR**, AMERA, CARITAS, or other services? What was your experience with them? *How did you feel the quality of service was? Were they able to assist you? Why, why not? How did the staff treat you? Make you feel? *If no time, focus on UNHCR.*
 6. **Justice, Justice in the context of being a refugee:** Start with feteha, if they don't understand after a while use ferde, heg and make a note that you had to use the second or third word or explain: *What is it to you? Does part of it have to do with being a woman or do you see justice as being the same for both genders? Has it changed since you came to Cairo? While you were in Cairo? Why and how?*
 7. **Change in the context or being a refugee:** It means to you? *What things would you like to see change, community like to see? Who makes this change possible? Do you have a role for creating change?*

Appendix J:

Interviews with Asylum Seeking and Refugee Women

- 55, 2010
- Sally, 2010
- Fegegetna (Smiley), 2010
- Tehetena (Politeness), 2010
- Webit (Pretty), 2010
- Tenekarae (Strength), 2010
- Emenete (Belief), 2010
- Tsenu (Persistence), 2010
- Talake Set (Wonder Woman), 2009-2010
- Sandra and Christine, 2010
- Group Interview, Arabic Center, 20

Tables

Table 1: Total Population of Concern to UNHCR 1993-2008

Year	Total Population of Concern - UNHCR	Ethiopian
1993	6712	-
1994	7223	32
1995	5407	37
1996	6101	47
1997	6538	59
1998	8478	44
1999	11, 177	56
2000	18, 025	54
2001	22, 885	102
2002	92,558	111
2003	94, 156	329
2004	99, 208	481
2005	100, 047	516
2006	104,468	-
2007	112,515	-
2008	112,605	-